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PAPERS

RELATING TO

FOREIGN AFFAIRS,

ACCOMPANYING THE

ANNUAL MESSAGE OF THE PRESIDENT

TO THE

FIRST SESSION OF THE THIRTY-EIGHTH CONGRESS.

PART II.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1864.

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Mr. Dayton to Mr. Seward.

[Extract.]

No. 336.] PARIS, *August* 21, 1863.

SIR: Your despatch No. 378 has been duly received, and I have called Mr. Drouyn de l'Huys's attention to the subject therein referred to. He assures me that France has no purpose or design upon the independence of the republic of Ecuador. That should any change in its territory take place, or should it be absorbed in another government, as in the republic of Colombia, this would not, in the language of Baron Gowry du Roslan, their minister, pass unobserved by the government of France, but its observation of such events would apply only to such change of ministers or agents as the absorption of two governments into one might render necessary. If they had any claims against the country or territory so absorbed, they would reserve the right to press them, of course. But he said he recollected nothing of a special character in the despatches of Baron Gowry du Roslan on these subjects; he would, however, examine them further.

It is not improbable or unnatural that, in view of the course of France in Mexico, the republics of Central America may have become alarmed for their future. They look, therefore, with great suspicion and distrust upon the language of all French officials, which seems to imply a purpose upon the part of the Emperor to interfere further.

In this connexion I should add, that Mr. Drouyn de l'Huys took occasion again to say that France had no purpose in Mexico other than heretofore stated; that she did not mean to appropriate permanently any part of that country, and that she should leave it as soon as her griefs were satisfied, and she could do so with honor. In the *abandon* of a conversation somewhat familiar I took occasion to say that in quitting Mexico she might leave a *puppet* behind her. He said no; *the strings would be too long to work.* He added they had had enough of colonial experience in Algeria; that the strength of France was in her compact body and well-defined boundary. In that condition she had her resources always at command. There is much force in the suggestion, as applied to this government, which is so emphatically a military power.

You will put upon this conversation as to Mexico your own construction, and draw your own inferences. It seemed to me, however, that Mr. Drouyn de l'Huys was disposed to avail himself of the opportunity to relieve, as far as possible, the suspicion and distrust which our government might, from late events, naturally entertain of the purposes of France in that country.

* * * * * * * * * * *

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dayton to Mr. Seward.

No. 334.] PARIS, *August* 20, 1863.

SIR: I read to Mr. Drouyn de l'Huys to-day your despatch No. 380, expressing the sentiment of the President in reference to the explanation in the "Moniteur" of the views and purposes of the Emperor in respect to the south, and his conversation with Messrs. Roebuck and Lindsay.

I furthermore reminded Mr. Drouyn de l'Huys of the fact that your despatch, which stated that our government would consider the acknowledgment of the

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south as an unfriendly act, was but the re-assertion of that which had been said to him before. In answer, he said that any discussion of this subject was now "*academic*" only, leading to nothing practical; but that he would submit the contents of your despatch to the Emperor. For this purpose I left with him, at his request, a copy.

Mr. Drouyn de l'Huys took occasion again to say that he much regretted that that private conversation had been made public. I told him that I feared the effect had been to occasion an unpleasant distrust among my countrymen as to the feelings and purposes of his majesty, and that this publication in the "Moniteur" was calculated not to diminish, but to strengthen that distrust. I told him it looked very much as if the Emperor were prompting Great Britain to acknowledge the south, by suggesting that France would follow; it was a sort of informal offer of alliance for a purpose unfriendly to us. He said that this was not, in fact, so, though the explanation in the "Moniteur" might possibly bear such a construction; but he said the Emperor had been answering Mr. Roebuck's averment that England would not acknowledge the confederates because she feared France would not follow. His intended answer was, in substance: England has no right to say so, because my proposition for mediation is all that has been done, and that was declined by her. He meant, in what he said, to imply that each country should bear its own burdens. But Mr. Drouyn de l'Huys then added, this all grows out of the wrongful publication of a mere private unofficial conversation. There is no doubt, said he, that in such conversation the Emperor would, through a natural courtesy, rather lean towards the views or prepossessions of the parties with whom he was talking, and when it became necessary for him to explain in the "Moniteur" what the conversation actually was, "he would not falsify." But, said Mr. Drouyn de l'Huys, if propositions had been made in an official shape, calling for action, he would probably have been more guarded, and given to them a different, or, at least, more grave consideration; he might have said no, these things demanded reflection.

The above is the substance of the conversation on this point, although more passed, but nothing of an importance demanding or justifying my reducing it to writing in the form of a despatch.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 337.] PARIS, *August* 25, 1863.

SIR: I was telegraphed yesterday by our vice-consul at Brest that the rebel steamer Florida, with her machinery damaged, had come into that port for repairs; that she had a crew of 128 men and 24 passengers. The telegraphic operator announced from Queenstown on the 18th that this vessel was off Kinsale on the preceding day, and had there transferred three of her passengers to a pilot-boat. Immediately on receiving notice of her presence in the roadstead of Brest, I went to the foreign office, but, unfortunately, Mr. Drouyn de l'Huys had left Paris for a week's absence, and left no person specially in charge of the foreign department. Under the circumstances, therefore, I saw M. le Baron d'André, chief of the cabinet of the ministry of foreign affairs, and protested against any favor or hospitality being extended to this piratical vessel. He said, however, that France, like England, had recognized the confederates as belligerents. I told him that my government had not, and therefore I made the protest in this form; but if, in recognizing them as belligerents, the government

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of France should feel constrained to afford them any relief, I suggested that it should be confined within the narrowest limits that humanity would dictate. I told him that if relief were extended beyond the most restricted bounds, France would soon find that this was but the "beginning of the end;" that one of her ports had now been chosen as a rendezvous in preference to a port of England, under the impression, I presumed, that they would be better received.

Baron d'André said he had no authority in the premises, and could do no more than refer our conversation to the minister, but he presumed that what was permitted to be done in her behalf woud be restricted within the narrowest limits dictated by the rule in such cases.

I have this day sent out a note to the minister, informing him that I had learned that the Florida had come into Brest, not for repairs of machinery only, but for coal, which *had been denied to her at Bermuda*, from which port she had come. The fact is, that as she is a good sailing vessel, and has crossed the Atlantic, as I believe, principally by that means, neither coal nor machinery is necessary to her safety, although a great convenience, doubtless, in enabling her to prey upon our commerce. It may well be doubted whether the rule which limits aid in such cases, to what is called for by necessity and humanity, applies at all to her case.

I should add that I have telegraphed to Cherbourg, Lisbon, Cadiz, and Gibraltar, in the hope of finding the frigate Macedonia, or some other of our ships-of-war, within reach, but I can find none. The Constellation, a sailing ship, is somewhere in the Mediterranean.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

P. S.—Enclosed is a copy of the note sent by me this day to the department of foreign affairs.

Mr. Dayton to Mr. Seward.

No. 338] PARIS, *August* 27, 1863.

SIR: I have recently had interviews with Mr. Drouyn de l'Huys in reference to the two iron-clad vessels now being built at Birkenhead, near Liverpool, by the Messrs. Laird, for the rebels of the south, as was believed. Our consul at Liverpool was induced to think that by virtue of a sham sale to a Frenchman named Bravay they were about to get out the vessels, or one of them, as French property, and under the French flag, to be handed over, when clear of British jurisdiction, to the confederates, their true owners. Lord Palmerston said, too, in the House of Commons, that he was informed that the French government, through its consul at Liverpool, claimed one of these iron-clads. I at once appealed to Mr. Drouyn de l'Huys to prevent what I believed intended a fraudulent use of the French flag. He promised me to attend to the subject promptly. But he said he knew Mr. Bravay, and was aware of the fact that the Pacha of Egypt, with whom Bravay had much to do, had authorized him or his company to buy ships for him, the Pacha, either in France or England. In a subsequent interview Mr. Drouyn de l'Huys told me he had made all necessary inquiries, and that neither the Emperor, the minister of marine, the minister of finance, nor the French consul at Liverpool knew anything of any claim to such vessel or vessels on the part of the French government; and that a statement to that effect by Lord Palmerston, as reported in the London Times, must have been made on erroneous information. I then endeavored to impress on Mr. Drouyn

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de l'Huys the great importance of preventing the sailing of these vessels, as French vessels, from a British port, by any neglect of the French consul there, or any fraudulent contrivance or management on the part of French citizens. He said if I would supply him with papers or evidence indicating the real ownership and purpose of these iron-clads, he would have some grounds to act upon, and would see that the French consul at Liverpool was properly on his guard. I therefore had full copies made of the letter of our consul at Liverpool, and all the affidavits he had supplied to the British government on this subject, and enclosed them to the department of foreign affairs here.

Last night I received from Mr. Drouyn de l'Huys a letter in reply, a translation of which is herewith enclosed. If the statements by Mr. Bravay, referred to in the letter, be true, that he has bought these iron-clads for the Pacha of Egypt, and they are delivered, we will have made an important escape, not from the iron clads only, but from what is, in my judgment, still more important, from further questions with England on this point for the present.

The French government has in this matter acted openly, and will, so far as can be now seen.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

His Excellency WILLIAM H. SEWARD, *&c., &c., &c.*

[Translation.]

Mr. Drouyn de l'Huys to Mr. Dayton.

PARIS, *August* 25, 1863.

SIR: I have received, with its accompaniments, the letter which you did me the honor to write to me of the date of the 22d of this month on the subject of two iron-clad vessels which are being constructed at Birkenhead, near Liverpool.

Since the interview, which you are pleased to recall to me, a French merchant, M. Bravay, has addressed himself to my department, to make known to me that these vessels had been purchased through his agency on the account of the Pacha of Egypt. He claimed at the same time the support of the embassy of his Majesty in England in order to be able to send them to Alexandria.

I have answered that the ships in question having a foreign destination, the French agents had no authority to intervene in this circumstance with the British administration, and that it belonged only to the Egyptian government to make to the English authorities the justifications necessary to authorize the going out of these ships. I have written in the same sense to the embassy of the Emperor at London, as well as to the consul of his Majesty at Liverpool.

Accept the assurances of the high consideration with which I have the honor to be, sir, your very humble and very obedient servant,

DROUYN DE L'HUYS.

Mr. DAYTON,
Minister of the United States, Paris.

Mr. Dayton to Mr. Seward.

No. 339.] PARIS, *August* 27, 1863.

SIR: The steamer Florida, for the want of a clear bill of health, was at first, as I am informed, put in quarantine at Brest. Our vice-consul at that port now telegraphs me that the quarantine was raised last evening and her twenty-four

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passengers landed. These passengers were the persons taken from the last ship which this piratical craft had burned. The ship burned was the Anglo-Saxon, of New York, Captain John M. Cavarly; loaded with coal; bound from Liverpool to New York; sailed August 17; burned on the 21st, about twenty-five miles southeast of Cork. This is the account given by the captain, if I understand the telegraphic despatch aright. Our vice-consul is, of course, looking after the wants of the seamen who have been landed.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

His Excellency WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Mr. Dayton.

No. 390.] DEPARTMENT OF STATE,
Washington, August 31, 1863.

SIR: I have received your three despatches, namely, No. 329, under date of July 30; No. 332, of August 4, and No. 333, of August 5.

Under the uniform aspect of our domestic affairs, the matters presented by these papers may safely pass unnoticed.

You will perceive that the course of events in Mexico is giving rise to much speculation, as well in this country as in Europe, and this speculation takes a direction which may well deserve the consideration of the Emperor's government, for it indicates a disposition in some quarters to produce alienation between this country and France. This government has said nothing upon the subject, except what is contained in a previous communication made by me to yourself, and it lends no materials or encouragement to the debate to which I have referred.

I have told you in a previous despatch that the interests of the United States in Texas are not overlooked. I have now to add that preparations have been made, which, as I trust, will be effectual in establishing the national authority in that State.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq.

Mr. Seward to Mr. Dayton.

No. 391.] DEPARTMENT OF STATE,
Washington, September 1, 1863.

SIR: I herewith enclose an extract from a despatch of the 26th of July last, addressed to this department by James R. Partridge, esq., minister resident of the United States to Salvador, with regard to his proceedings in relation to British and French interests there.

You will embrace an early opportunity to make these proceedings known to the French government, and, at the same time, state to it that they have been approved by the government of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., *&c., &c., &c.*

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Mr. Dayton to Mr. Seward.

No. 340.] PARIS, *September* 1, 1863.

SIR: Lest our vice-consul at Brest may have neglected to send you a copy of the sworn statement of Captain Cavarly and others of the ship Anglo-Saxon, of New York, lately burned at sea by the Florida, I herewith send you the copy of such statement, sent by the vice-consul to this legation.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

His Excellency WILLIAM H. SEWARD, *&c., &c., &c.*

Statement of John M. Cavarly, master of the ship Anglo-Saxon, of New York, captured and burned by the privateer Florida.

BREST, *August* 25, 1863.

On this 25th day of August, in the year of our Lord eighteen hundred and sixty-three, before me, J. M. Kenos, vice-consul of the United States of America for Brest, personally appeared John M. Cavarly, late master of the American ship called the Anglo-Saxon, of New York, and declared as follows:

We sailed from Liverpool on Monday morning, August 17, 1863, bound to New York. We had strong gales from the west to NW. till Wednesday morning, when we took the *mid* at N. NW. Passed Tuskan light-house on Wednesday night. Thursday, light winds from the NW. all day; ship standing to the W. SW.

Friday morning, August 21, at five, the second officer came to my room and said there was a steamer near us coming towards the ship. I went on deck at once. The ship lay becalmed; her courses were hauled up. The steamer came under our stern, hailed the ship, and asked where from and where bound. He then sent a boat on board the ship; told me to take my papers and go on board the steamer.

I went on board the steamer; the captain took my papers and looked at them; he then said: Your ship is a prize to the confederate steamer Florida, Captain Maffitt. He told me to take my clothing—my ship's company the same—and come on board the Florida at once. I then asked him to bond the ship. His reply was, my cargo was a contraband of war; he should burn the ship.

They took all the provisions, sails, cordage, canvas, &c, they wanted from the ship, besides my two chronometers, barometers, all my charts, sextant octant, in fact all the nautical instruments belonging to the ship, besides some spars, and many other things. They did not allow any of my crew or officers to take their trunks or chests.

When my ship's company were on board, all but myself and my officers and cook were put in irons. I had a channel pilot on board when the ship was captured. We both judged the ship to be twenty-five miles from Queenstown. At noon on Friday, August 21, after they had taken all they wished from the Anglo-Saxon, they set my ship on fire, and fired two broadsides of shot and shell at her. The Florida then steered to the SW.; spoke two vessels the same afternoon; both were British, and refused to take their prisoners. On Sunday morning saw the land, which was Ushant. In the afternoon anchored in the harbor; were quarantined till Monday afternoon, when we were landed in Brest. The American consul took charge of myself, officers, and crew.

And together with the said master also came Arthur Snow, chief officer; W. Parmer, second mate; B. Balls, third mate; John Brown, Carpenter; George Brown, seaman, of and belonging to the said ship, all of whom, being by me duly sworn, did severally, voluntarily, freely, and solemnly declare that the above statement is according to the truth.

In testimony whereof, they have hereunto subscribed their names; and I, the said vice-consul, have granted to the said master this public instrument under my hand and the seal of this vice-consulate to serve and avail him and all others whom it doth or may concern as need and occasion may require.

[L. S.]

KENOS, *United States Vice-Consul.*
JOHN M. CAVARLY, *Master.*
ARTHUR L. SNOW.
B. BALLS.
JOHN BROWN.
GEORGE BROWN.

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I, the undersigned vice-consul of the United States, do hereby certify that the foregoing copy is true and faithful.

{ Seal of the consulate at Brest. } KENOS.

BREST, *August* 29, 1863.

Mr. Dayton to Mr. Seward.

[Extracts.]

No. 341.] PARIS, *September* 3, 1863.

SIR: I have supposed it might be of interest to you, or to the Navy Department, to learn something in detail as to the present conduct and future prospects of the rebel steamer Florida, now in the roadstead at Brest.

I had, some days since, an application for aid in behalf of a French shipper, who had a heavy and *just claim for damages* against this vessel, and which claim, he was advised by his counsel, could be enforced against her in law. This claim, *properly* prepared, could detain her in port, as alleged, for some six months at least. To become better informed upon this question, and other matters as to the ship, I requested Mr. Bigelow, our consul here, to go with the claimant to Brest. This he immediately did. I am not yet able to say whether any legal claim can be enforced, or whether the vessel can be detained to answer for it. Our vice-consul at Brest, a most intelligent gentleman, doubts if it can be done; but, in the mean time, I learn through a letter from him, and another from Mr. Bigelow, that the Florida is yet in the roadstead, awaiting permission to be taken into a *government* dock or basin for repairs. The mere commercial accommodations at Brest are, it seems, not sufficient for her purpose. In the mean time it is supposed that the French are consulting with the British authorities with a view to a joint action or understanding as to what the two governments should do in such cases. Captain Maffitt, of the Florida, says he came into a French port for repairs instead of an English one, because, by the rule adopted by England, he was excluded from entering another of her ports for three months after he had left Bermuda, which time had not yet expired. He represents the copper on the bottom of his ship as badly torn by her striking against a rock, or some obstacle, in making his escape from Mobile. He wishes to copper her bottom, re-calk her, repair her machinery, and get coal. Our vice-consul at Brest thinks it very important that she be taken into the basin or dock-yard for repairs, which he thinks, from their necessary character and extent, will detain her at least four or five months. It is ascertained that her shaft is so badly sprung, or at least out of line, that it has raised her deck. Early and extensive repairs are, it is said, indispensable; and Captain Maffitt says the machinery of her engine is of such a nature as to make it necessary to send to England for workmen, the French artisans not understanding it. He complains that Brest "is a dreadful slow place;" says "they promised to have the dock ready for his ship some days ago, and that it is not ready yet." The men were getting ready to land her powder on Monday or Tuesday last, and knocking out the heads of some casks to put it in. The Florida consumed the last of her coal in coming to Brest. By the way, the Anglo-Saxon, which she burned in the channel, was loaded with coal; and Captain Maffit told Captain Cavarly (when he asked the privilege of bonding his vessel) that coal was contraband of war, and he would burn her as quick as if she were loaded with gunpowder. But it is not to be doubted that the Florida will claim the right to coal anew in the French port. I am informed that the crew of this vessel are of all nations, but mostly English and Irish; not more than two Americans in the whole, and they both Boston boys taken off a prize. Mr. Maffitt, having been long on the coast survey, says he is well acquainted with the ports and

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harbors of the north as with the cabin of his ship; that but for the failure of Lieutenant Reed (the man who entered Portland harbor and ran off with the Caleb Cushing) to co-operate, he would have gone to some of the principal northern ports and burned them; "but," he added, "I will wake some of them up there yet." The above statements come directly or indirectly from Captain Cavarly, of the Anglo-Saxon.

I have to-day had a conversation with M. Drouyn de l'Huys upon the subject. He says they are much annoyed that the Florida should have come into a French port. But having recognized the south as belligerents, they can only deal with the vessel as they would deal with one of our ships-of-war under like circumstances. They will give her so much aid as may be essential to her navigation, though they will not provide her with anything for war. I stated that she was a good sailer, and really needed nothing in the shape of repairs to machinery, &c., &c., to enable her to navigate. He said that if she were deprived of her machinery, she was *pro tanto* disabled, crippled, and liable, like a duck with its wings cut, to be at once caught by our steamers. He said it would be no fair answer to say that the duck had legs, and could walk or swim. But he said that, in addition to this, the officers of the port had reported to the government that the vessel was leaking badly; that she made water at so much per hour, (giving the measurement,) and unless repaired she would sink; that this fact coming from their own officers, he must receive as true. They said nothing, however, about her copper being damaged, but reported that she needed calking and tarring, if I understood the French word rightly. I then asked him if he understood that the rule in such cases required or justified the grant of a *government* dock or basin for such repairs, especially to a vessel like this, fresh from her destructive work in the channel, remarking that, as she waited no judicial condemnation of her prizes, when repaired in this government dock, she would be just at hand to burn other American ships entering or leaving Havre and other French ports. He said where there was no mere commercial dock, as at Brest, it was customary to grant the use of any accommodations there to all vessels in distress, upon the payment of certain known and fixed rates; that they must deal with this vessel as they would with one of our own ships, or the ships of any other nation, and that to all such these accommodations would be granted at once. Under these circumstances, you may, I suppose, take it for granted that the Florida will remain at Brest for repairs—long enough, probably, for you to get a vessel-of-war over here. She not unlikely means to connect herself with the two iron-clad rams at Liverpool; and if so, I fear they would have power enough to go into any of our ports. The question will naturally present itself, had you best institute a blockade of the vessel in this port? I have given you the facts, and this question will be for the consideration of the Navy Department.

* * * * * * * * *

I am informed that the Florida was saluted by a British national ship when she entered Bermuda. When she entered Brest, no formal salute was given, but I learn that a French ship lying there dipped her colors. I am not familiar with the distinction in these maritime courtesies, and only state the facts. I am informed that Captain Maffitt was short of hands, and held out large inducements to the crew and to some officers of the Anglo-Saxon to join his ship, (to wit, a bounty of $50, and $20 to $22 per month,) but although they were generally foreigners, none of them yielded to the temptation.

Herewith I enclose you a slip cut from the *Moniteur* of this morning, indicating the policy of the government on this question.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

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Mr. Seward to Mr. Dayton.

No. 392.] DEPARTMENT OF STATE,
Washington, September 7, 1863.

SIR: Your despatch of August 21 (No. 336) has been received. The explanation of Mr. Drouyn de l'Huys, in regard to the views of the Emperor's government concerning the Central American states, are unexceptionable; and I shall take pleasure in making them known to the parties in whose names the inquiry was instituted.

I have read with much interest the statement you have given me of the remarks which Mr. Drouyn de l'Huys made informally to you concerning the position of the imperial government in Mexico. If we were now authorized to regard them as guaranteed by the Emperor, it will go far to relieve a solicitude, not only here, but in Europe, which I cannot but believe is becoming as inconvenient to France as it is to the United States. Before this despatch will be received you will, probably, have ascertained, in compliance with a previous instruction of mine, whether we are authorized to understand Mr. Drouyn de l'Huys as speaking by authority in the explanations he has thus made.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq.

Mr. Seward to Mr. Dayton.

No. 393.] DEPARTMENT OF STATE,
Washington, September 8, 1863.

SIR: Your despatch of the 20th of August (No. 334) has been submitted to the President, and I have the pleasure of stating that the explanation made by Mr. Drouyn de l'Huys, concerning the Moniteur article, is entirely satisfactory.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq.

Mr. Seward to Mr. Dayton.

No. 394.] DEPARTMENT OF STATE,
Washington, September 10, 1863.

SIR: Your despatch of August 27 (No. 339) has been received. We await with much concern the action of the imperial government upon your note protesting against the bailing of the Florida at Brest.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq.

Mr. Seward to Mr. Dayton.

No. 395.] DEPARTMENT OF STATE,
Washington, September 11, 1863.

SIR: Your despatch of the 27th of August (No. 338) has been received. You will inform Mr. Drouyn de l'Huys that his prompt, efficient, and friendly proceedings in regard to the ram which is being built at Liverpool are appreciated by the President.

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I regret to say that reports of our consul at Liverpool leave little room to doubt that Mr. Bravay's pretences to interfere in regard to these vessels, as an agent from the Pacha of Egypt, are false and fraudulent. The consul writes that he had telegraphed to the consul general at Alexandria, and so it is probable that the truth will be ascertained. Should Mr. Bravay be proved to have been engaged in an attempt to deceive the French government, you will doubtless make a proper representation of the case.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq.

Mr. Dayton to Mr. Seward.

[Extract]

PARIS, *September* 11, 1863.

SIR: * * * * * * * *

The Florida, you have doubtless seen, has been *seized* by private French claimants who have demands for damages against her. The claims in France are, I am told, more than equal to the value of the vessel. After consulting with our vice-consul at Brest, it was thought best for the government of the United States not to interfere or mix itself up in the question. The vessel has gone into dock, and will be there probably for a considerable time. They have landed some seventy-five of their crew and shipped them around to the English coast. They (the crew) were not, it is said, communicative, but those who did speak of their destination all agreed that they were bound for Liverpool to take charge of two confederate steamers awaiting them there.

These are doubtless the iron-clads from Laird's yard which have been stopped by order of the government, as I am this morning informed by our consul at Liverpool.

I should add that Captain Maffitt has been required by the consignee of the Florida to make a deposit for the expenses to be incurred in repairs, and has deposited 40,000 francs; some evidence of the extent of repairs contemplated.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dayton to Mr. Seward.

No. 345.] PARIS, *September* 14, 1863.

SIR: On Friday evening and the morning of Saturday last the report that the Emperor had acknowledged the south was general. The bourse became very much excited, and a fall in the public funds occurred, greater than has been known is so brief a space of time for some years. It was said that Mr. Slidell had made a cession to the Emperor, of Texas and part of Louisiana as a consideration for the acknowledgment. I immediately went to the foreign office. Mr. Drouyn de l'Huys at once said that the report was wholly groundless; that nothing new had occurred since our last conference. He further added that within the last twenty-four hours a series of false reports had been put in circulation upon this and upon other subjects. He could not understand for what object, but they were certainly intended for no friendly purpose towards us. He said he had given orders to Comte Treilhard, director of the press in the

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ministry of the interior, to contradict such reports, and, if possible, trace out and punish the authors of them; that there had been a conspiracy to spread false news. Later in the afternoon of Saturday a public notice, signed by the prefect of police and the minister of finance, was put up at the bourse, denying the truth of the several reports in circulation. This it would seem quieted the excitement. This agitation at the bourse has had at least one good effect; it has brought home to the knowledge of the government the serious view taken by capitalists and others of the probable consequences of a recognition of the south.

Mr. Drouyn de l'Huys has promised me a note in writing on this subject, a copy of which, or its translation, I will send herewith if received in time.

In the course of conversation reference was made to the almost universal report that our government only awaits the termination of our domestic troubles to drive the French out of Mexico. This idea is carefully nursed and circulated by the friends of secession here, and is doing us injury with the government.

The French naturally conclude that if they are to have trouble with us, it would be safest to choose their own time. M. Drouyn de l'Huys referred to these matters, and said the Emperor had recently asked him if it were true, as the public journals alleged, that the United States had made a formal protest against the action of France in Mexico, and he had told him that no such protest had been made. I told him that, so far as I was concerned, I had received no orders to make such formal protest. That relying on the constant assurances of France as to its purposes in Mexico, and its determination to leave the people free as to their form of government, and not to hold or colonize any portion of their territories, my government had indicated to me no purpose to interfere in the quarrel; at the same time we had not at all concealed, as he well knew, our earnest solicitude for the well being of that country, and an especial sensitiveness as to any forcible interference in the form of its government. He said that these were the same general views held by you to M. Mercier, and reported by him to this government. I told him that France must well understand that we did not want war with her; to which he answered that she did not certainly wish war with us.

When I referred to the rumored cession of Texas and part of Louisiana to the Emperor, he, in denying the fact, said these rumors were diabolical. He added that France wanted no territory there.

I enclose you a slip cut from Galignani, containing the substance of what is, I presume, a semi-official exposition of the government as to its action in respect to the rebel ship Florida at Brest.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWALD,
Secretary of State.

From Galignani's Messenger.

PARIS, *September* 14, 1863.

The *Constitutionnel*, in a long and elaborate article, of which we subjoin the salient points, vindicates the conduct of the French government, which has been charged with showing undue favor to the confederate cruiser Florida, and argues that the reception that vessel has met with at Brest is in strict conformity with the duties of France as a neutral power.

"The fact is unquestionable that the French government, in allowing the Florida to refit at Brest, without permitting her, as the Moniteur declares, to re-enforce her armament, is acting in a manner perfectly consistent with the principles of the strictest neutrality. Again: is this course of action contrary to the special prescriptions of the declaration of neutrality made by France at the outset of the war? By no means; and on this point again demonstration is easy. What does the declaration in question declare? It com-

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pletely assimilates men-of-war and privateers of the two contending parties on precisely the same footing, so that, in order to solve the question, the proposition might be reversed and the question asked, what would have been done if, instead of a confederate vessel, one from the north had presented itself at Brest? Assuredly the partisans of the federals would have indulged in the loudest complaints if an attempt had been made to apply to the United States vessel the treatment which they now demand for the Florida, and if the liberty of refitting, to enable it to put to sea again, had been denied. Let us continue; the declaration next states that neither of the belligerents, according to the French law, shall be received into our ports with prizes. Now, as we have already said, and it is well known, the Florida had no prizes with her. The seamen, prisoners of war, whom she had on board, could not be considered as a prize according to the meaning of the declaration, nor could their being landed on French soil be made the subject of a complaint against her. In this situation, we repeat, all that could be done was to carry into effect the assimilation between the two belligerents specified by our declaration of neutrality, and to treat the Florida exactly on the same footing as we would have treated a federal vessel-of-war in the same situation. As to the assimilation in itself, as far as the south and the north are concerned, there is no need, in order to justify or to explain it, to resort to the supposition of the recognition of the south as an independent state. It is sufficient that the south should be a belligerent, and should be recognized as such, to be considered entitled to the advantages sanctioned by the laws of war. This leads us to examine a point which the adversaries of the south have largely commented on—the fact of the privateers' burning and sinking their prizes. Without seeking to excuse a measure which, in truth, must be considered as the very rigorous exercise of the rights of war carried to their extreme limits, we cannot refrain from remarking that as a matter of fact precedents might be found, and as a matter of law our own legislation tolerates the practice in more or less urgent cases. Thus Valin, in his "Commentaire de l'Ordonnance de la Marine," says that it is only forbidden to burn or sink captured vessels in the event of the captor wishing to dispose of his prize; and MM. Duverdy and Pistoye, the author of the "Nouveau Traité des Prises-Maritimes," in alluding to this passage of Valin, make the following observation: "What Valin declared, under the régime of the naval ordinance, we must repeat under the authority of the decree of Prairial, which has preserved the same expressions." Our declaration of neutrality forbidding privateers to enter our harbors with prizes, the captors may thus consider it as a necessity, or an urgent need for them to burn their prizes, especially when they have themselves sustained damages which embarrass or retard them On that point some questions of interest to neutrals, the proprietors of the cargoes, may be raised; but the decision of those questions belongs to another order of ideas. Whatever may be the case, the fact of the belligerent burning his prize, constituting one of the rigorous consequences of the rights of war, it cannot in itself have any influence upon the neutrality of a foreign government, or modify in any way its duties or its rights."

Mr. Dayton to Mr. Seward.

No. 346. PARIS, *September* 17, 1863.

SIR: Herewith I send you the translation of a letter from Mr. Kenos, our consular representative at Brest. From this and from other information which I have received, it would seem that the Florida will not be detained in port as long as we have heretofore had reason to suppose; that she may leave in the course of two or three weeks.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

[Translation.—Enclosure.]

CONSULAR AGENCY OF THE UNITED STATES,
Brest, September 15, 1863.

MONSIEUR LE MINISTRE: The reparations of the Florida go on with great speed, and this steamer will not be long before again going to sea.

It is pretended that the seizures, operated on account of the misdoings of the Florida, are not all regular, and will not stop her.

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On the other hand, the commander, Maffitt, as well as his officers, declare that they fear no cruiser—that they will be able to avoid it

It is presumable that the Florida will hereafter be detained but a short time in port

I am, with respect, your excellency's very obedient servant.

KENOS.

His Excellency WILLIAM L. DAYTON,
Envoy Extraordinary and Minister
Plenipotentiary of the United States, Paris

Mr. Dayton to Mr. Seward.

No. 347.] PARIS, *September* 16, 1863.

SIR: I did not receive the communication for Mr. Mercier which Mr. Drouyn de l'Huys promised me until last night. It came then in an open envelope, with a note requesting me, after reading it, to seal it and send it by my next courier, (meaning thereby the next despatch bag.) Having sealed it according to request, I herewith send it in an envelope to you, begging that you will have it promptly delivered to Mr. Mercier. The despatch commences with a remark complimentary to myself, and then goes on to state that I had inquired of him as to the truth of certain rumors afloat, to wit, that the Emperor had decided to recognize the south, and had even already signed a treaty by which the south agreed to cede to France, for herself or to be reconveyed to Mexico, Texas and part of Louisiana, and that Mr. Drouyn de l'Huys, at the same time, asked me if I had not heard other rumors calculated to disturb the good relations existing between our two countries—as that the United States had made its protest against the action of the French government in Mexico; had sent its fleet to Vera Cruz; and made a treaty offensive and defensive with Russia. He goes on to say that these suggestions were made less with a view to inquiring as to their truth than for the purpose of fortifying me against a belief in the rumors I had first referred to, the truth of which rumors he expressly denied. He then tells Mr. Mercier that I said I had no knowledge of and did not believe in the report that our navy was before Vera Cruz, or that we had made a treaty offensive and defensive with Russia, and that if you had instructed me to make a formal protest against their proceedings in Mexico I should have done so, which I had not; although, under the influence of your general correspondence on this subject, I had made him aware of the painful impression caused in my country by European intervention in Mexico, and our anxious solicitude as to any interference with the form of government there. He then tells Mr. Mercier that he had attached little importance to the rumors he had referred to, which probably originated in the same source as those to which I had referred. He then says to Mr. Mercier, "I repeated to him (Mr. Dayton) that which I had already often said to him, that we were not seeking, either for ourselves or others, any acquisition in America. I added (says he) that I hoped the good sense of the people of the United States would do justice to the exaggerations and false suppositions by the aid of which it was sought to mislead and embitter opinion, and that I counted upon his concurrence to try and make prevail a more just appreciation of our intentions and of the necessities which our policy obeyed."

He then directs Mr. Mercier to communicate this conversation to you, and to use the text thereof to correct false judgments and unjustifiable imputations about him.

I should add that as this despatch is, in part, in reference to the intentions of France in Mexico, in which you and the country are just now so much interested, I have thought it best to avoid mistakes by sending you the above,

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the last twenty lines of which are little less than a translation of that part of Mr. Drouyn de l'Huys's despatch.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Dayton to Mr. Seward.

No. 348.] PARIS, *September* 18, 1863.

SIR: Another note, just received from our consular representative at Brest, informs me that the repairs of the Florida are advancing very rapidly, and that she will not require more than fifteen days more to complete them.

Seventy-five of her crew, however, have been shipped to England, and landed at Cardiff. Captain Maffitt, whose health is bad and is much worn, it is said, is to come to Paris to-day, to take some repose from his labors.

The seizure of the Florida to answer damages to French citizens, so much spoken of in the journals, will not, I fear, operate to detain her.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Dayton to Mr. Seward.

No. 349.] PARIS, *September* 18, 1863.

SIR: I have this morning called the attention of Mr. Drouyn de l'Huys to the evidence showing that at least four, if not five, ships are being built in the ship-yards of Bordeaux and Nantes for the confederates. This evidence is the same as that sent to you from the Paris consulate, and which I referred to in my despatch No. 344. It is conclusive, I think, as to the facts charged. Mr. Drouyn de l'Huys expressed himself as greatly surprised, and I doubt not he was so. He assured me he had no knowledge of anything of the kind, and that the government would maintain its neutrality. He thanked me for calling his attention promptly to this matter, the importance of which he fully recognized. He requested copies of the original papers; said that he would at once investigate the facts and the French legislation bearing on the question, and then let me know what would be done.

It seems to me that their action on this subject is likely to afford a pretty good test of their future intentions. As to what the law may be it does not, I apprehend, much matter: if they mean that good relations with our country shall be preserved, they will stop the building of these ships, or at least the arming and delivery of them; if they mean to break with us, they will let them go on.

The United States ship Kearsarge, Captain Winslow, arrived in the port of Brest yesterday.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

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Mr. Seward to Mr. Dayton.

No. 399.] DEPARTMENT OF STATE,
Washington, September 19, 1863.

SIR: Your despatch of the 3d of September, No. 341, has been received.

Reserving, for the present, remarks upon the political aspect of the reception of the Florida at Brest, I have submitted the despatch to the Secretary of the Navy, and asked his consideration of your suggestion, in regard to sending a force to intercept the Florida on her leaving that harbor.

I will make the Secretary's decision known to you as soon as it shall have been received from him.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WM. L. DAYTON, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Dayton.

No. 400.] DEPARTMENT OF STATE,
Washington, September 21, 1863.

SIR: The French forces are understood to hold in subjection to the new provisional government established in Mexico three of the States, while all the other constituent members of the public of Mexico still remain under its authority. There are already indications of designs, in those States, to seek aid in the United States, with the consent of this government, if attainable, and without it if it shall be refused; and for this purpose inducements are held out, well calculated to excite sympathies in a border population. The United States government has hitherto practiced strict neutrality between the French and Mexico, and all the more cheerfully, because it has relied on the assurances given by the French government that it did not intend permanent occupation of that country or any violence to the sovereignty of its people. The proceedings of the French in Mexico are regarded by many in that country, and in this, as at variance with those assurances. Owing to this circumstance, it becomes very difficult for this government to enforce a rigid observance of its neutrality laws. The President thinks it desirable that you should seek an opportunity to mention these facts to Mr. Drouyn de l'Huys, and to suggest to him that the interests of the United States, and, as it seems to us, the interests of France herself, require that a solution of the present complications in Mexico be made, as early as may be convenient, upon the basis of the unity and independence of Mexico. I cannot be misinterpreting the sentiments of the United States in saying that they do not desire an annexation of Mexico, or any part of it; nor do they desire any special interest, control, or influence there, but they are deeply interested in the re-establishment of unity, peace, and order in the neighboring republic, and exceedingly desirous that there may not arise out of the war in Mexico any cause of alienation between them and France. Insomuch as these sentiments are by no means ungenerous, the President unhesitatingly believes that they are the sentiments of the Emperor himself in regard to Mexico.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., *&c., &c., &c.*

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Mr. Seward to Mr. Dayton.

No. 401.] DEPARTMENT OF STATE,
Washington, September 22, 1863.

SIR: I enclose, for your information, a translation of a note of the 20th of July last, which has been addressed to me by Mr. J. M. Arroyo, who calls himself under secretary of state and foreign affairs of the Mexican empire, setting forth recent proceedings, with a view to the organization of the new government at Mexico; also a copy of a memorandum which has been left with me by a person calling himself General Cortes, alleged to have been formerly governor of the Mexican State of Sonora. No reply has been, or probably will be, made to either of these papers.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WM. L. DAYTON, Esq.

Mr. Arroyo to Mr. Seward.

[Translation.]

PALACE OF THE REGENCY OF THE EMPIRE OF MEXICO,
July 20, 1863.

The undersigned, under secretary of state and of foreign affairs of the Mexican empire, has the honor to address the present communication to his excellency the Secretary of State and of Foreign Affairs of the United States of America, to the end that he may be pleased to place within the knowledge of his government the recent important events which have finally resulted in the organization of an appropriate, strong, and durable government, with a view that the nation might be constituted.

This capital having been occupied on the 10th ultimo by the allied Franco-Mexican army, the first care of the general-in-chief was to issue a decree convening a superior gubernative junto of thirty-five members, composed of the most distinguished notabilities; and, moreover, another of two hundred and fifteen notables, in order that, united to the former, they might form an assembly of two hundred and fifty persons selected from all classes of society, and from all the departments, which, in conformity to public law and to the traditional usages of the country, should express the wish of the nation as to the form of government that would best suit it.

The gubernative junto having met, decreed the establishment of a provisional executive power composed of three members, appointing the most excellent the generals of division, Don Juan N. Almonte and Don Mariano Salas, and the most illustrious the archbishop of Mexico, Don Pelagio Antonio de Labastida, at present absent in Europe, and to act as his substitute the most illustrious Don Juan B. Ormaechea, bishop elect of Tulancingo, who, in such character, immediately took up the reins of government.

The assembly of the notables having convened in conformity to the decree of the thirteenth of June last, was engaged in causing to be made the important declaration in regard to the form of government, with a view to its permanent stability and the future happiness of the nation. The final result of their labors has been the solemn decree, a copy of which the undersigned has the satisfaction to enclose to his excellency, in which appears the following declaration:

1st. The Mexican nation adopts, as its form of government, a limited hereditary monarchy, with a Catholic prince.

2d. The sovereign shall take the title of Emperor of Mexico.

3d. The imperial crown of Mexico is offered to his imperial and royal highness the Prince Ferdinand Maximilian, Archduke of Austria, for himself and his descendants.

4th. If, under circumstances which cannot be foreseen, the Archduke of Austria, Ferdinand Maximilian, should not take possession of the throne which is offered to him, the Mexican nation relies on the good will of his Majesty Napoleon III, Emperor of the French, to indicate for it another Catholic prince.

This solemn and explicit declaration was received by all classes of society with gratification, and even with enthusiasm, manifested in such a way that the undersigned does not fear to anticipate its complete realization; and so much the more so, since he receives every day numerous manifestations of accession, notice of which his excellency will see in the official journal of the empire, which is annexed.

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Consequently the undersigned relies on the moral co-operation of the governments which are friendly to Mexico, among which he has the satisfaction of enumerating that of the United States of America, which has given so many proofs of its interest in the happiness of Mexico.

The undersigned avails himself of this opportunity to offer to his excellency the Secretary of State of the United States of America the assurances of his distinguished consideration.

J. M. ARROYO.

His Excellency the SECRETARY OF STATE AND FOREIGN AFFAIRS
of the United States of America.

Mr. Arroyo to Mr. Seward.

(Translation.)

SECRETARYSHIP OF STATE AND OF THE OFFICE OF FOREIGN RELATIONS.

PALACE OF THE SUPREME EXECUTIVE POWER,
Mexico, July 11, 1863.

The provisional supreme executive power has been pleased to address me the following decree:

"The provisional supreme executive power of the nation to the inhabitants thereof: Know ye, that the Assembly of Notables has thought fit to decree as follows:

"'The Assembly of Notables, in virtue of the decree of the 16th ultimo, that it should make known the form of government which best suited the nation, in use of the full right which the nation has to constitute itself, and as its organ and interpreter, declares, with absolute liberty and independence, as follows:

"'1. The Mexican nation adopts as its form of government a limited hereditary monarchy, with a Catholic prince.

"'2. The sovereign shall take the title of Emperor of Mexico,

"'3. The imperial crown of Mexico is offered to his imperial and royal highness the Prince Ferdinand Maximilian, Archduke of Austria, for himself and his descendants.

"'If, under circumstances which cannot be foreseen, the Archduke of Austria, Ferdinand Maximilian, should not take possession of the throne which is offered to him, the Mexican nation relies on the good will of his Majesty Napoleon III, Emperor of the French, to indicate for it another Catholic prince.

"'Given in the Hall of Sessions of the Assembly, on the 10th of July, 1863.

"'TEODOSIO LARES, *President.*

"'ALEJANDRO ARANGO Y ESCANDON, *Secretary.*

"'JOSÉ MARIA ANDRADE, *Secretary.*'

"Therefore, let it be printed, published by national edict, and circulated, and let due fulfilment be given thereto.

"Given at the palace of the supreme executive power in Mexico, on the 11th of July, 1863

"JUAN N. ALMONTE.

"JOSÉ MARIANO SALAS.

"JUAN B. ORMAECHEA.

"To the UNDER SECRETARY OF STATE AND OF THE OFFICE OF FOREIGN RELATIONS."

And I communicate it to you for your knowledge and consequent purposes.

J. M. ARROYO,
Under Secretary of State, and of the Office of Foreign Relations.

Hon. WILLIAM H. SEWARD.

Mr. Arroyo to Mr. Seward.

(Translation.)

SECRETARYSHIP OF STATE AND OF THE OFFICE OF FOREIGN RELATIONS.

PALACE OF THE SUPREME EXECUTIVE POWER,
Mexico, July 11, 1863.

The provisional supreme executive power has been pleased to address me the following decree:

"The provisional supreme executive power of the nation to the inhabitants thereof: Know ye, that the Assembly of Notables has thought fit to decree as follows:

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"'The Assembly of Notables, in view of the decree of this date, has thought fit to decree:

"'Until the arrival of the sovereign the persons appointed, by decree of 22d of June last, to form the provisional government, shall exercise the power in the very terms established by the decree referred to, with the character of the regency of the Mexican empire.

"'Given in the Hall of Sessions of the Assembly on the 11th of July, 1863.

"'TEODOSIO LARES, *President.*

"'ALEJANDRO ARANGO Y ESCANDON, *Secretary.*

"'JOSÉ MARIA ANDRADE, *Secretary.*'

"Therefore, let it be printed, published, and circulated, and let due fulfilment be given thereto.

"Given at the palace of the supreme executive power in Mexico, on the 11th of July, 1863.

"JUAN N. ALMONTE.
"JOSÉ MARIANO DE SALAS.
"JUAN B. ORMAECHEA.

"To the UNDER SECRETARY OF STATE AND OF THE OFFICE OF FOREIN RELATIONS.

"DON J. MIGUEL ARROYO."

And I communicate it to you for your knowledge and consequent purposes.

J. M. ARROYO,
Under Secretary of State, and of the Office of Foreign Relations.

Hon. WILLIAM H. SEWARD.

Mr. Seward to Mr. Dayton.

No. 404.] DEPARTMENT OF STATE,
Washington, September 23, 1863.

SIR: Recurring to your No. 341, of the 3d instant, and to my No. 399, I have now to inform you that no attempt at a blockade of the port of Brest will be made by our navy to prevent the departure of the piratical vessel, Florida.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. WILLIAM L. DAYTON, Esq.

Mr. Dayton to Mr. Seward.

No. 350.] PARIS, *September* 24, 1863.

SIR: Herewith I have the honor to enclose to your department the copy of a communication made by me to Mr. Drouyn de l'Huys on the 22d instant, in reference to the ships now being built and the arms, projectiles, &c., now being made at Bordeaux and Nantes for the rebels of the south.

The evidence has been heretofore sent to your department.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Druyn de l'Huys.

PARIS, *September* 22, 1863.

MONSIEUR: In conformity with the request of your excellency, I herewith have the honor to enclose to you copies, furnished to me, of the original correspondence, a translation of which I read to you on Friday last.

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Letter No. 1, under date of 10th June last, from Monsieur Arman, of Bordeaux, (one of the members of the chamber of deputies,) to Monsieur Voruz, (an iron-founder of Nantes,) is most important, admitting, as it does, the distinct fact of the payment of seven hundred and twenty thousand francs by Mr. Bullock, (captain in the rebel navy, and its agent for building and buying ships,) as a first payment on two ships of four hundred horse power which he is constructing, as he says, for the Confederate States, simultaneously with those which are intrusted to him, Mr. Voruz, and who is having them built by Messrs. Jollet & Babin and Dubigeon. The claim which the letter suggests shall be made on Captain Bullock to refund the amount paid to Monsieur Erlanger (the house negotiating, you will recollect, the three million southern loan) for guaranteeing the payment for these vessels, &c., explains the whole operation. We have, then, the contract admitted, the terms of payment, and the mode of guarantee.

Your excellency will observe from the application of Mr. Arman to the minister, dated June 1 1863, for leave to arm these *four vessels*, that they have been in the progress of construction since the 15th of April last.

Letter No. 2, from J. Voruz, sen., to his son Anthony, dated 14th July last, says that Captains Bullock and Arnoux, as well as Mr. Erlanger, departed the preceding day for Bordeaux, but he fears "they will be obliged to treat with Arman for the plated ships." From the dates here given it is evident that these ships are in addition to those first above named, and so likewise is the little shallop of Mr. Erlanger therein referred to.

Letter No. 3, being the next letter from Mr. Voruz, sen., to his son Anthony, dated July 17, says he had that day received a letter from Arnoux, one of the parties who visited Bordeaux, as above named, stating that Arman had "*just signed the agreement for two plated gunboats, of three hundred horse power, for two millions each.*" These are in addition to the four ships first named. The closing lines of this letter show that the two gunboats were then in the course of construction by Mr. Arman.

These letters likewise convey most full information upon another point. It would seem that the iron foundries of Mr .Voruz, sen , are extensively engaged in the construction of gun-carriages, cannon, shell and shot, for the so-called confederate government. Some of these are constructed for that government (so-called) through the agency of Mr. Blakely, of London, who has been extensively engaged in supplying it with his gun; and others are constructed expressly for arming the four ships before referred to.

Letter No. 5, from Mr. Arman to the minister of marine, and Nos. 8 and 9, from Mr. Voruz to the same, and the reply of the minister thereto, No. 10, prove that this engagement is to supply an armament direct to the confederates. It has not even the evasion or apology that it is the ordinary commerce existing between a manufacturer and his private customer. It is directly aiding and abetting the States in rebellion. Whatever question has been made elsewhere as to the rights of private commerce in the ordinary way, it has been nowhere pretended, so far as I know, that neutrals or a neutral government may rightfully supply arms to a belligerent without violating its neutrality.

In this case it would seem that the government of France has, through a most extraordinary misrepresentation as to the purpose and destination of these ships, been induced expressly to authorize the manufacture of these arms and the arming of these vessels: nay, that on the application of Mr. Voruz, the manufacturer, the government manufactory at Reuil has been opened to his inspection, and all its appliances subjected to his examination, that he might have every possible aid in carrying out his purpose.—(*See letters No.* 8 *and No.* 10.)

It would seem from these letters that large quantities of the arms, projectiles, &c., agreed for, have already been completed, but are yet within the jurisdiction and control of this government. There is at all times danger of the shipment

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of these arms and projectiles. Even those destined for the armament of the four ships may, as soon as the question is agitated, be immediately transferred elsewhere.

I respectfully ask that the authorization to provide said ships with an armament, heretofore granted by the minister of marine, be withdrawn; and that the manufacture of the arms and projectiles heretofore referred to be stayed, or where the fabrication of the same shall have been completed, that their delivery be prevented; and that such other proceedings be taken by the French government as it may deem most advisable to prevent the further construction and delivery of said vessels.

In our conversation your excellency was good enough to say that you would immediately examine the legislation of France on these subjects. I am happy to find, by reference to the proclamation of his Majesty the Emperor, dated the 10th of June, 1861, and published in the *Moniteur* on the 11th, there is full reference to that legislation, and to which I respectfully refer you. In that proclamation his Majesty declared that he is resolved to maintain a strict neutrality in the struggle between the government of the Union and the States which had assumed to form a separate confederation.

In the third paragraph of this declaration he declares: "Il est interdit á tout Français de prendre commission de l'une des deux parties pour armer des vaisseaux en guerre ou d'accepter des lettres de marques pour faire la course maritime, ou de concourir d'une maniére quelconque à l'equipment on l'armement d'une navire de guerre ou corsaire de l'une des deux parties."

The fifth section declares that all persons acting in violation of these prohibitions and recommendations will be prosecuted, if there is occasion therefor, according to certain laws and articles of the penal code.

I respectfully submit to your excellency that the acts set forth in the correspondence hereinbefore referred to are in direct violation of both the spirit and the letter of the above proclamation.

Accept, sir, the assurances of high respect with which I have the honor to be your obedient servant,

WILLIAM L. DAYTON.

His Excellency Mr. DROUYN DE L'HUYS,
Minister of Foreign Affairs, Paris.

Mr. Dayton to Mr. Seward.

No. 351.] PARIS, *September* 24, 1863.

SIR: The following is a translation of a telegraphic despatch which I have just received from Mr. Van Hörne, United States consul at Marseilles:

"A letter received from the consul at Messina says that the corsair Southerner, Captain Butcher, (English,) arrived at Malta the seventeenth of this month, coming from Alexandria and going to Algiers, with three hundred and three Arabian pilgrims."

The above is important if true, though I do not well see how it can be.

I am, sir, your obedient servant,

WILLIAM L. DAYTON

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

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Mr. Dayton to Mr. Seward.

No. 352.] PARIS, *September* 25, 1863.

SIR: Your despatch No 391, as to the proceedings of our minister resident at Salvador, in reference to French interests there, and the despatch from him to you on that subject, were at once communicated by me to the foreign office here. As it was evident that a copy of Mr. Partridge's despatch, stating what he had done in relation to French interests in that country, should be on the files of the foreign office here, I left the same temporarily with Mr. Drouyn de l'Huys, at his request, that he might have it copied, if so disposed.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 405.] DEPARTMENT OF STATE,
Washington, September 25, 1863.

SIR: Your despatch of the 11th instant, No. 344, has been received. In reply, I have to inform you that instructions have been given directly to Mr. Bigelow approving your suggestion, and giving him assurances of indemnity. You will lose no time in ascertaining all of the facts which Mr. Bigelow may be able to elicit, and communicating them to this department; and also in making such a representation upon the subject to the French government as those facts may warrant.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq.

Mr. Seward to Mr. Dayton.

[Extracts.]

No. 406.] DEPARTMENT OF STATE,
Washington, September 26, 1863.

SIR: Your confidential despatch of September 7, No. 342, has been received and carefully considered. * * * * * *

It is well understood that through a long period, closing in 1860, the manifest strength of this nation was a sufficient protection, for itself and for Mexico, against all foreign states. That power was broken down and shattered in 1861 by faction. The first fruit of our civil war was a new, and in effect, though not intentionally so, an unfriendly attitude assumed by Great Britain, France, and Spain, all virtually, and the two first-named powers avowedly, moving in concert. While I cannot confess to a fear on the part of this government that any one or all of the maritime powers combining with the insurgents could overthrow it, yet it would have been manifestly presumptuous, at any time since this distraction seized the American people, to have provoked such an intervention, or to have spared any allowable means of preventing it. The unceasing efforts of this department in that direction have resulted from this ever-present consideration.

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If in its communications the majestic efforts of the government to subdue the insurrection, and to remove the temptation which it offered to foreign powers, have not figured so largely as to impress my correspondents with the conviction that the President relies always mainly on the national power, and not on the forbearance of those who it is apprehended may become its enemies, it is because the duty of drawing forth and directing the armed power of the nation has rested upon distinct departments, while to this one belonged the especial duty of holding watch against foreign insult, intrusion, and intervention. With these general remarks I proceed to explain the President's views in regard to the first of the two questions mentioned, namely, the attitude of France in regard to the civil war in the United States.

We know from many sources, and even from the Emperor's direct statement, that, on the breaking out of the insurrection, he adopted the current opinion of European statesmen that the efforts of this government to maintain and preserve the Union would be unsuccessful. To this prejudgment we attribute his agreement with Great Britain to act in concert with her upon the questions which might arise out of the insurrection; his concession of a belligerent character to the insurgents; his repeated suggestions of accommodation by this government with the insurgents; and his conferences on the subject of a recognition. It would be disingenuous to withhold an expression of the national conviction that these proceedings of the Emperor have been very injurious to the United States, by encouraging and thus prolonging the insurrection. On the other hand, no statesman of this country is able to conceive of a reasonable motive, on the part of either France or the Emperor, to do or to wish injury to the United States. Every statesman of the United States cherishes a lively interest in the welfare and greatness of France, and is content that she shall enjoy peacefully and in unbounded prosperity the administration of the Emperor she has chosen. We have not an acre of territory or a port which we think France can wisely covet; nor has she any possession that we could accept if she would resign it into our hands. Nevertheless, when recurring to what the Emperor has already done, we cannot, at any time, feel assured that, under mistaken impressions of our exposure, he might not commit himself still further in the way of encouragement and aid to the insurgents. We know their intrigues in Paris are not to be lightly regarded. While the Emperor has held an unfavorable opinion of our national strength and unity, we, on the contrary, have as constantly indulged entire confidence in both. Not merely the course of events, but that of time, also, runs against the insurgents and reinvigorates the national strength and power. We desire, therefore, that he may have the means of understanding the actual condition of affairs in our country. We wish to avoid anything calculated to irritate France, or to wound the just pride and proper sensibilities of that spirited nation, and thus to free our claim to her forbearance, in our present political emergency, from any cloud of passion or prejudice. Pursuing this course, the President hopes that the prejudgment of the Emperor against the stability of the Union may the sooner give way to convictions which will modify his course, and bring him back again to the traditional friendship which he found existing between this country and his own, when, in obedience to her voice, he assumed the reins of empire. These desires and purposes do not imply either a fear of French hostility, or any neglect of a prudent posture of national self-reliance.

The subject upon which I propose to remark, in the second place, is the relation of France towards Mexico. The United States hold, in regard to Mexico, the same principles that they hold in regard to all other nations. They have neither a right nor a disposition to intervene by force in the internal affairs of Mexico, whether to establish and maintain a republic or even a domestic government there, or to overthrow an imperial or a foreign one, if Mexico chooses to establish or accept it. The United States have neither the right nor the dis-

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position to intervene by force on either side in the lamentable war which is going on between France and Mexico. On the contrary, they practice in regard to Mexico, in every phase of that war, the non-intervention which they require all foreign powers to observe in regard to the United States. But, notwithstanding this self-restraint, this government knows full well that the inherent normal opinion of Mexico favors a government there republican in form and domestic in its organization, in preference to any monarchical institutions to be imposed from abroad. This government knows, also, that this normal opinion of the people of Mexico resulted largely from the influence of popular opinion in this country, and is continually invigorated by it. The President believes, moreover, that this popular opinion of the United States is just in itself, and eminently essential to the progress of civilization on the American continent, which civilization, it believes, can and will, if left free from European resistance, work harmoniously together with advancing refinement on the other continents. This government believes that foreign resistance, or attempts to control American civilization, must and will fail before the ceaseless and ever-increasing activity of material, moral, and political forces, which peculiarly belong to the American continent. Nor do the United States deny that, in their opinion, their own safety and the cheerful destiny to which they aspire are intimately dependent on the continuance of free republican institutions throughout America. They have submitted these opinions to the Emperor of France, on proper occasions, as worthy of his serious consideration, in determining how he would conduct and close what might prove a successful war in Mexico. Nor is it necessary to practice reserve upon the point, that if France should, upon due consideration, determine to adopt a policy in Mexico adverse to the American opinions and sentiments which I have described, that policy would probably scatter seeds which would be fruitful of jealousies, which might ultimately ripen into collision between France and the United States and other American republics. An illustration of this danger has occurred already. Political rumor, which is always mischievous, one day ascribes to France a purpose to seize the Rio Grande, and wrest Texas from the United States; another day rumor advises us to look carefully to our safety on the Mississipi; another day we are warned of coalitions to be formed, under French patronage, between the regency established in Mexico and the insurgent cabal at Richmond. The President apprehends none of these things. He does not allow himself to be disturbed by suspicions so unjust to France and so unjustifiable in themselves; but he knows, also, that such suspicions will be entertained more or less extensively by this country, and magnified in other countries equally unfriendly to France and to America; and he knows, also, that it is out of such suspicions that the fatal web of national animosity is most frequently woven. He believes that the Emperor of France must experience desires as earnest as our own for the preservation of that friendship between the two nations which is so full of guarantees of their common prosperity and safety. Thinking this, the President would be wanting in fidelity to France, as well as to our own country, if he did not converse with the Emperor with entire sincerity and friendship upon the attitude which France is to assume in regard to Mexico. The statements made to you by M. Drouyn de l'Huys, concerning the Emperor's intentions, are entirely satisfactory, if we are permitted to assume them as having been authorized to be made by the Emperor in view of the present condition of affairs in Mexico. It is true, as I have before remarked, that the Emperor's purposes may hereafter change with changing circumstances. We, ourselves, however, are not unobservant of the progress of events at home and abroad; and in no case are we likely to neglect such provision for our own safety, as every sovereign state must always be prepared to fall back upon when nations with which they have lived in friendship cease to respect their moral and treaty obligations. Your own discretion will be

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your guide as to how far and in what way the public interests will be promoted by submitting these views to the consideration of M. Drouyn de l'Huys.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c.

Mr. Seward to Mr. Dayton.

[Extracts.]

No. 409]. DEPARTMENT OF STATE,
Washington, October 1, 1863.

SIR: Mr. Bigelow, the United States consul at Paris, has sent to me copies of papers which he informs me have been placed in your hands, and which seem to establish the fact that several iron-clad rams are being built, armed and equipped, in French ports, to proceed from them to make war upon the United States.

Mr. Bigelow further informs me that you are considering how to turn these proofs to the best account, and that this department will be advised promptly of your proceedings.

I hasten to say, that while the manner and form of your proceedings in the matter are left entirely within your own discretion, the President thinks you should lose no time unnecessarily in bringing the transaction to the notice of Mr. Drouyn de l'Huys, and in asking for the effectual interposition of the government to prevent the departure of the hostile expedition.

* * * * * * * * *

Awaiting with much solicitude your report of your proceedings in regard to this new and somewhat startling plot, I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c.

Mr. Dayton to Mr. Seward.

No. 354.] PARIS, *October* 1, 1863.

SIR: I have received a letter from consular agent at Brest, of the date of 29th September, in which he informed me that the repairs to the hull and engine of the Florida continue, but she will not be able to go to sea before three weeks. Also, that the corvette Kearsarge has taken in provisions and coal, and will not hereafter be retained in port by anything essential.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Dayton to Mr. Seward.

No. 353.] PARIS, *October* 1, 1863.

SIR: I have the honor to enclose herewith a copy of a letter received from Captain Winslow, of the United States steamship Kearsarge, at Brest.

I have just been informed that a crew for the Florida was about being shipped at Liverpool, which fact I have telegraphed to Captain Winslow.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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Captain Winslow to Mr. Dayton.

UNITED STATES STEAMSHIP KEARSARGE,
Brest, France, September 28, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch of the 25th instant. The information received of the appearance of the Southerner in the Mediterranean is no doubt true, and her appearance solves the mystery connected with the burning of the American ship Nash, off Gibraltar.

Should other steamers reach this port, which I am in hopes the government have ordered, measures can be taken to intercept the Southerner; but at present the Kearsarge is well employed in watching the Florida. I wish I could add that the chances of overhauling this vessel were more favorable, but the position of the port, which is lined seaward for many miles with rocks, forming near the entrance three channels, renders it essential that a vessel should be stationed in each one.

Referring to filling the complement of the Florida crew, my views are that no attempt will be made (or if made, will be unsuccessful) to enlist men in France. The probability is that her complement will be made up and the men sent out from England; and it was suggested that initiatory steps should be taken in advance to prevent the adoption of this procedure.

I have the honor to be, very respectfully, your obedient servant,

JNO. A. WINSLOW, *Captain.*

Hon. WILLIAM L. DAYTON, *&c., &c.*

Mr. Seward to Mr. Dayton.

No. 410.] DEPARTMENT OF STATE,
Washington, October 5, 1863.

SIR: Your despatches of the 14th of September (No. 345) and the 16th of September (No. 347) have been received. Moreover, I have been favored by Mr. Mercier with a visit, and with a reading of the despatch addressed to him by Mr. Drouyn de l'Huys, of which special mention is made in your communications.

The explanations made by you to him are correct, and they are approved. Despatches from this department, which you must have received after writing your own, not only sustain those explanations, but they also draw very distinctly the line of policy towards France which the President has marked out under the counsels of prudence, and the traditional friendship towards her which prevails in the United States. Any statesman who has observed how inflexibly this government adheres to the policy of peace and non-intervention, would not need to be informed that the report of an alliance by us with Russia for European war is an absurdity. So, also, no one who knows how completely the American people suffer themselves to be absorbed in the duty of suppressing the present unhappy insurrection, and restoring the authority of the Union, would for a moment believe that we are preparing for or meditating a future war against any nation, for any purpose whatever, much less that we are organizing or contemplating a future war against France, whom it is our constant desire to hold and retain as a friend, through all the vicissitudes of political fortune, and all the changes of national life.

You are authorized to say to Mr. Droun de l'Huys that his explanations are entirely satisfactory to the President. I may, perhaps, not improperly improve this occasion by saying that the executive government of this country has no organ in the press. Its views and sentiments in regard to France, as to all other countries, can be known always by the language of its diplomatic representatives, for it instructs them minutely, and directs them to speak always frankly and sincerely. The Emperor has an acknowledged organ in the press. Its utterances, if unfriendly or equivocal, necessarily produce distrust among the American people. When they see in the columns of the *Moniteur* opinions derogatory of themselves, and calculated to give satisfaction and encouragement

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to their enemies, it is necessarily, but doubtless erroneously, assumed that they are inspired. Several such publications have recently appeared there, and it is not remembered that one utterance in the spirit of the friendship of old France has been made by that paper since our unhappy controversy exposed us to the intrigues of our domestic enemies in foreign countries.

I have thus laid bare a living and fruitful root of jealousies between France and the United States. We do not claim that France shall be our friend. We do not insist that she shall judge us or our cause favorably or kindly. On the other hand, it need not be said that unfavorable judgments and unkind sentiments invariably produce ultimate alienation. Everybody knows that the United States are the habitual well-wishers of France, as they are of Russia. Everybody knows that Russia is a well-wisher of the United States, but everybody is not satisfied that France is a well-wisher of the United States. I think everybody agrees that the responsibility for this does not rest with the United States. Where, then, does it fall? The Emperor joined Great Britain in recognizing our insurgents as belligerents, and in attempting to derogate us from our position as a sovereign, the treaty friend of both countries, into a position of equality with the seditious disturbers of our peace. We think that this proceeding was unnecessary, as we know it has been injurious. It tries the temper of the American people more severely than we have ever tried that of France in her domestic troubles, which have been more frequent than our own. Is it wise to let the unfortunate act be followed by needless manifestations of French disfavor to our cause in the war which we are so energetically endeavoring to bring to a close?

I am, sir, your obedient servant,

WILLIAM. H. SEWARD.

Hon. WILLIAM L. DAYTON, Esq., &c., &c.

Mr. Dayton to Mr. Seward.

No. 357.] PARIS, *October* 6, 1863.

SIR: I have the honor to enclose herewith a copy of a communication just received from the United States consul at Algiers, in reference to the rebel steamer Southerner. From this it would appear that she is engaged in the transportation of cotton to England.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Kingsbury to Mr. Dayton.

No. 2.] CONSULATE OF THE UNITED STATES OF AMERICA,
Algiers, October 2, 1863.

SIR: I have the honor to inform you that, while absent from my post by special permission, I received information that the suspected pirate steamship Southerner was at Malta, *en route* from Alexandria to Algiers. Accordingly I made all possible haste to return, hoping, if my information was correct, and our apprehensions should be sustained by the actual character of this vessel, that I might be able to render some service to our country. But since my arrival I have ascertained that the Southerner came into this port on or about the 20th ultimo, and landed several hundred Turkish pilgrims, and proceeded hence to Tangier to land the remainder of this class of her passengers.

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She had a full cargo of cotton, even her cabin being filled, and was proceeding to Liverpool, having been despatched on this voyage by the well-known firm of Wilson & Co The ship has an English register, a transcript of which I have seen, is about 1,500 tons, and has a crew of fifty-two men. While in this port she hoisted none but the English flag. This information has been given to me by a perfectly competent and reliable gentleman of my acquaintance at this place.

I am also informed that the British and United States flags are painted upon the partitions of the companion-way or entrance to her cabin, the ship having been built, it is said, to run between Liverpool and Charleston Captain Butcher, who commanded the Alabama on her trial trip, commands the Southerner, and has been for several years employed by Messrs. Wilson & Co.

I think this information, which I have not the slightest reason to doubt, will quiet our apprehensions concerning this vessel, at least until she has discharged her cargo of cotton.

With sentiments of very high respect, I have the honor to be, sir, your most obedient servant,

EDWARD L. KINGSBURY,
United States Consul

Hon. WILLIAM L DAYTON,
Envoy Extraordinary and Minister Plenipotentiary, &c., &c., Paris

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Mr. Dayton to Mr. Seward.

No. 359.] PARIS, *October* 8, 1863.

SIR: Mr. Drouyn de l'Huys not having received the diplomatic corps last week for business, I this morning have had a long conversation with him upon various matters. In the first place, I left with him the copy of a letter recently written by Captain Maffitt, of the rebel steamer Florida, at Brest, to Captain Bullock, of the rebel navy, as to the discharge of part of the crew of the Florida, &c., a copy of which letter was enclosed to me by our consul at Liverpool. A copy of the same is hereunto attached. My object in showing this letter was to prove, first, that Captain Bullock was yet in the rebel service, and, secondly, that the crew in question, or part of it, had been voluntarily discharged from the Florida; that if this vessel was, therefore, incapacitated for want of a sufficient crew, it was not the act of God, but their own act, and they were suffering from a self-inflicted impotence. This was to answer the principle suggested by Mr. Drouyn de l'Huys in conversation, that their necessary wants for purposes of navigation, not of war, they were entitled to have supplied. I reminded him, too, of the fact that if he carried out this principle to its full extent, if the term of service of a crew were known to be about expiring, a captain might run his ship into a neutral port anywhere, discharge his crew, and then reship, in the same port, a new crew for hostile purposes; that, under these circumstances, the captain of the Florida might claim the right to ship a crew of French sailors at Brest. I told him that sailors for an enemy's ship-of-war were contraband, as much so as soldiers for its armies. I could not conceive, therefore, that France could fairly maintain her neutrality, and yet permit these things to be done in her ports. It is probable that I shall put these and some other views upon this subject, of the aid given to the Florida, in writing before she is permitted to sail. They may be of service as matter of future reference.

The neutrality of France, he said, would be maintained, and that his whole purpose was to settle these questions upon proper principles of international law.

I should add, that I learned from Liverpool that these men, owing to some difficulty with the confederate agents, have not yet signed the shipping articles. In the mean time this government is holding the question under consideration.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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[Enclosure.]

CONFEDERATE STATES STEAMER FLORIDA,
Brest, September 3, 1863.

SIR: Herewith I send you a list of men discharged from the Florida, with their accounts and discharges. Many of them have asked for transfers, and others for reference to you, or to a confederate agent. I would request you to provide them situations in the service.

I have the honor to be, sir, very respectfully, your obedient servant,

J. N MAFFITT,
Commander, Confederate States Navy.

Captain J. D. BULLOCK,
Confederate States Navy, Liverpool.

Mr. Dayton to Mr. Seward.

No. 360.] PARIS, *October* 8, 1863.

SIR: The minister of marine has been absent for some days, recently, and this has been assigned to me, by Mr. Drouyn de l'Huys, as a reason why my communication as to the rebel ships now being built at Bordeaux and Nantes had not been definitely answered. I left some additional evidence with him this morning, to wit:

Copy of contract between Arman and Bullock for building two iron-clads, dated 16th July last.

Copy of letter from Emile Erlanger to Voruz, senior, dated 9th June last.

Copy of letter from Mazeline & Co. to Voruz, senior, dated 23d June last.

Copy of letter from O. B. Jollet and L. Babin, and E. Dubigeon and Fils, to Voruz, 10th June last.

Copy of agreement between Bullock and Voruz, dated 17th September, 1863, increasing the number of cannon contracted for, from 48 to 56, and the number of shells from 5,000 to 12,000.

Mr. Drouyn de l'Huys did not intimate any doubts as to the facts charged, and the minister of marine, he said, had informed him that in granting the authorization to build and arm these vessels, he did it as a matter of course, as he had done in like cases before, supposing that the representation in the application that they were intended for the China sea, &c., was true. But Mr. Drouyn de l'Huys said that he, the minister of marine, entirely agreed with him, that no violation of the neutrality of France should be permitted, and he (Mr. Drouyn de l'Huys) said I might be assured that it would not be. I told him that in a matter of so much importance, I did not like that it should rest upon my report or recollection of a conversation merely, and that it would be agreeable to me if he would put his answer, in reference to these vessels, in writing. I begged him, in such writing, to state to me not general principles only, but to apply them to the particular case, and let me know what the government would do in respect to those vessels now being built at Bordeaux and Nantes. He said he would do so, cheerfully, and communicate it to me at an early day.

They are hurrying on the construction of these vessels as fast as possible, but there is no chance of their completion in less than two or three months. I am informed that three millions of francs have already been paid, and assurances have been given by the rebel agents that if increased funds will expedite their completion, the funds shall not be wanting.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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Mr. Dayton to Mr. Seward.

[Extracts.]

No. 361.] PARIS, *October* 9, 1863.

SIR: In the conference with Mr. Drouyn de l'Huys had yesterday, I communicated the general views expressed by you in despatches Nos. 395 and 400.

* * * * * * * * * * * * *

I brought out your views, however, in the course of a general conversation about Mexican affairs. I asked of Mr. Drouyn de l'Huys what character of test was to be adopted, with a view to learn the wishes of that country (Mexico) as to its form of government. He said that the vote of the entire country, and of all its departments, whether the French were or were not in their possession, would be taken, and if upon its registries it should appear that a large majority of the whole population (Spanish and Indian) were favorable to a monarchical form of government, he supposed that would be sufficient. He thought there would be no difficulty in applying this test, and showing a large numerical majority in favor of the Archduke, and that form of government.

Mr. Drouyn de l'Huys went on to say, that the dangers of the government of the Archduke would come principally from the United States, and the sooner we showed ourselves satisfied, and manifested a willingness to enter into peaceful relations with that government, the sooner would France be ready to leave Mexico and the new government to take care of itself, which France would, in any event, do as soon as it with propriety could; but that it would not lead or tempt the Archduke into difficulty, and then desert him before his government was settled. He added, that France could not do that. He said, that the early acknowledgment of that government by the United States would tend to shorten, or perhaps, he said, to end all the troublesome complications of France in that country; that they would thereupon quit Mexico.

* * * * * * * * * * * * *

I told him that, without having any authority from my government to say so, I should scarcely suppose that France, under the circumstances, would expect the United States to make haste to acknowledge a new monarchy in Mexico, but I would report his views to the government at home; not suggesting, however, that any answer would be given. In the course of conversation, he took occasion again to repeat, voluntarily, their disclaimer of any purpose to interfere with Texas, or to make or seek any permanent interest or control in Mexico. He said that our situation, as a next neighbor, entitled us to an influence there paramount to that of distant European countries, and that France, at her great distance from the scene, would not be guilty of the folly of desiring or attempting to interfere with us. He spoke highly of the conduct of Mr. Corwin, our minister in Mexico, who was reported to him as not having intrigued or interfered in these matters, but that he had always acted loyally and in good faith. Before leaving Mr. Drouyn de l'Huys (assuming the purposes of the Emperor to be as he represented them,) I asked him why he permitted so many false reports, as to his policy, to be circulated both in Europe and America. I told him that it seemed to me the interests of both countries demanded that they should cease, and that a frank avowal in the *Moniteur* would end them. He said there were objections to using the *Moniteur* for such purposes, but that there were his despatches, which might be published. I told him that the world was given to looking at despatches as savoring too much of diplomacy. He then said that the Emperor, at the opening of the "corps legislatif," would have a proper opportunity, and he did not doubt that he would then declare his

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policy in Mexico, in conformity with the declarations heretofore constantly made to us.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Dayton.

No. 411.] DEPARTMENT OF STATE,
Washington October 9, 1863.

SIR: Your despatch of September 24, No. 350, has been received, together with the copy of a note which you addressed to Mr. Drouyn de l'Huys, on the 22d of the same month, on the subject of armaments and vessels which are being prepared in certain ports of France. That note is, in its letter and spirit, fully approved. It is hardly necessary to inform you that the President awaits with much solicitude the decision of his Imperial Majesty's government upon the application you have made, and that he cannot but regard an adverse decision as pregnant with very serious consequences.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 412.] DEPARTMENT OF STATE,
Washington, October 10, 1863.

SIR: Your despatch of the 25th of last month, No. 352, describing your proceedings in relation to Mr. Partridge's course respecting French interests at Salvador, has been received and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 413.] DEPARTMENT OF STATE,
Washington, October 10, 1863.

SIR: Your despatch of the 24th ultimo, (No. 351,) relative to the Southerner, has been received, and a copy thereof sent to the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WM. L. DAYTON, Esq., &c., &c., &c.

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Mr. Dayton to Mr. Seward.

No. 363.] PARIS, *October* 16, 1863.

SIR: In further confirmation of the fact charged against Mr. Arman, naval constructor at Bordeaux, that he is extensively engaged in building war-vessels for the rebels of the south, I yesterday left with Mr. Drouyn de l'Huys what purports to be the copy of a letter from Mr. Arman to "Monsieur Maury, Contre-Amiral des Etats Confedérés d'Amérique," (Rear-Admiral of the Confederate States of America,) dated 12th June last, a translation of which I herewith enclose to you.

The evidence against Arman was complete without this letter; but it seems to me that this precludes him from any pretence to be made to his own government, that when he applied for authority to arm these vessels, he was ignorant of the purposes to which they were to be applied, or that the agents for their construction having represented them to be for use in the China seas, he supposed such representations true. He here offers to Captain Maury, of the confederate navy, to construct, within a very short time, six iron-clad ships, with double turrets, of the force and character therein described, and at the prices therein stated. We had already produced to Mr. Drouyn de l'Huys the copy of an agreement, dated subsequent to this offer, (to wit, 16th July,) between Captain Bullock and Arman, for building two vessels, in addition to the four contracted for by the agreement of the 15th of the preceding April. We thus have the clearest possible evidence that Arman, and those employed by him, are building at least six vessels-of-war; and it is not improbable that contracts may exist for others.

It is due to Mr. Drouyn de l'Huys to say that he has not questioned the entire sufficiency of the evidence. In another despatch I enclose to you a written answer from him, as well as one from the minister of marine.

I am, sir, your obedient servant,

WM. L. DAYTON.

HON. WILLIAM H. SEWARD,
Secretary of State.

Monsieur Arman to Captain Maury.

[Translation.]

BORDEAUX, *June* 12, 1863.

MONSIEUR L'AMIRAL: I come to submit to you the definitive plan of a gunboat battery, made out upon the programme which Monsieur the captain of the frigate Jamsen has made known to me, and upon which I have already furnished to him some summary information.

To attain the end which you have proposed to yourself, to carry upon the deck two iron-clad turrets, (*blokaus blindés,*) enclosing, each, two cannon of heavy calibre, I have been obliged to cause the primitive plan to undergo several important modifications I have been obliged to carry the displacement from 1,280 tons to 1,358 tons, and, besides, to calculate that, upon a normal supply of 180 tons of coal, which shall be completed at departure by 30 tons, producing an overcharge of 7 centimetres, in fine, the weight of the plating, (*blindage,*) calculated firstly at 320 tons, is raised to 389 tons.

These changes produce the distribution of weight as follows:

Weight of hull	510.000 *k.*
Engine	154.000
Plating mattress and screw	389.000
Combustibles	180.000
Cannon and accessories	50.000
Rigging and crew furniture and spare stores	75.000
Total	1,358.000

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Upon these new conditions the price of the vessel would be raised, not including the artillery and its accessories, to one million seven hundred and fifty thousand francs, and the time necessary to the construction would be eight months, on account of the execution and the more difficult putting in place of the plating.

The vessel which I propose to you is, in fine, a complete ship, and I engage myself in the delay of one month, after the signing of the agreement, to furnish you the proof of the authorization of exit of the armament which you shall have to put upon the ship.

In fine, I repeat to you, admiral, the proposition which I have made to Mr. Jansen, to construct upon the same type, in a very short delay, six vessels of the same kind.

I will have the honor to present myself Tuesday morning at your house, and, in the mean time, I cause to be transmitted to you herewith the plans of the vessel, and a project of the contract, in order that you may have had time to examine them.

Be pleased to accept, admiral, the assurances of my high consideration.

ARMAN.

Captain MAURY,
Rear-Admiral of the Confederate States of America.

CANNON BOAT BATTERY OF 220.

Details of the weight of the cuirass, mattress, and screw, distributed over the hull, the forward turret, and the back turret.

Hull	293.270 *k.*
Forward turret	49 328
Back turret	47 104
Total	389 702

Distribution of the weight.

Weight of hull	510 000 *k.*
Do. engine and boilers, water included	154.000
Do. plating of hull, turrets, &c.	389.000
Do. combustibles	180 000
Do. cannon and accessories	50.000
Do. armament, crew, provisions, &c.	75 000
General total	1,358.000
Displacement of keel	1,358.426 tons.

ARMAN.

Mr. Dayton to Mr. Seward.

No. 364.] PARIS, *October* 16, 1863.

SIR: Your despatches from 386 to 408, both inclusive, (excepting only 399 and 404,) have been duly received, and their contents noted. The two despatches which seem to be missing may yet come to hand, or there may be some error in numbering. I would, however, if rightly numbered, be glad to receive duplicates of them.

Herewith I enclose to you a translation of the answers of Mr. Drouyn de l'Huys and Compte Chasseloup Laubat, minister of marine, to my application in respect to the vessels-of-war now being constructed at Bordeaux and Nantes. I told Mr. Drouyn de l'Huys that these papers were not so explicit and full as I desired them; that I thought it but due to the United States, as a friendly government, that the authorization for arming these vessels, obtained through a fraudulent representation practiced upon the authorities of France, should be promptly withdrawn. He said he considered the letter from the minister of marine as equivalent to a promise to do so; that that minister in his letter had

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concurred with him (Mr. Drouyn de l'Huys) in the assurance that the strict neutrality would be maintained; and as the construction and armament of these ships for the purposes indicated was a clear violation of this neutrality, his letter was a promise, &c. I told him that their intended action on this question was too important to be left to inference, and I begged, therefore, an explicit answer as to what would be done in reference to this authorization and these vessels. He seemed to consider the letter in question a full answer, but said he would make a note of my request for a more explicit reply, and communicate it to the minister of marine.

You will observe that neither of these papers speak of the shells and projectiles, &c., except as connected with the armament of these vessels. I shall, of course, advise you promptly of whatever may be done in the premises.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. de l'Huys to Mr. Dayton.

[Translation.]

PARIS, *October* 15, 1863.

SIR: You have done me the honor to write to me, to call my attention to agreements entered into (*marchés passés*) in France, according to information which you have communicated to me, for the construction and delivery to the seceded States of several vessels armed for war. You have expressed the desire that the official authorization accorded for the armament of these vessels might be withdrawn, and that the government of the Emperor might take measures, which it should judge proper, to prevent the completion and delivery of the vessels themselves. I hastened to speak of this matter to my colleague of the department of the marine, recommending it very particularly to his examination. I do not believe that I can do better than to transmit to you, sir, a copy of the answer which he has just addressed to me. The only information which the department of the marine had directly received concerning the operations in question attributed to them, as you will see, is of such a character that, up to the present moment, there was no motive for hindering them. It is only, then, by the explanations which he is going to call forth, by the aid of the papers which you have brought to my knowledge, that M. le Comte de Chasseloup Laubat shall be able to judge of the measures to be taken conformably to our declaration of neutrality.

Accept the assurances of the high consideration with which I have the honor to be, sir, your very humble and very obedient servant,

DROUYN DE L'HUYS.

Mr. DAYTON,
Minister of the United States at Paris.

M. the Minister of the Marine to M. le Minister of Foreign Affairs.

[Translation.]

PARIS, *October* 12, 1863.

MONSIEUR LE MINISTER AND DEAR COLLEAGUE: You have done me the honor to communicate to me the 25th of September last the copy, with its annexes, of a letter from M. the minister of the United States at Paris, relative to bargains entered into by Messrs. Arman & Vorus for the construction and delivery to the confederate government of several vessels armed for war.

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In pointing out to my attention the gravity of this matter, which you recommend in a manner altogether special to my examination, you express the regret that my department had not thought proper to come to an understanding with that of the foreign affairs before answering the requests of Mr. Arman, who had obtained from the marine the authorization to provide his vessels with twelve cannon of 30

As to that which concerns the authorization solicited by Mr. Arman, and which was necessary to him by the terms of the ordinance of the 12th July, 1847, I did not believe I ought to refuse it in consequence of the declaration of the constructor, who gave me the assurance, as, moreover, his correspondence with my department proves, that the vessels in construction in his work yards were destined to do service in the China seas and the Pacific—between China, Japan, and San Francisco. I could not, upon such a declaration, and knowing, besides, that the vessels of commerce which navigate the parts in question ought always to be furnished with certain armament, in view of the numerous pirates which infest them, I could not, I say, answer negatively to the request of Mr. Arman, nor refuse Mr. Voruz the faculty of manufacturing the cannon destined to form this armament. This last authorization was the consequence of that given to the constructor to provide his vessels with artillery.

In granting to Mr. Voruz the permission to procure at Reuil the elucidations necessary to the manufacture of his cannon, I followed *that which has always been done by my department* in analogous circumstances, commerce only exceptionally giving itself to a manufacture which, in France, is almost never executed but by the state.

As to the regrets expressed by your excellency that the department of foreign affairs has not previously been consulted, I will cause you to remark that it was a question of arms to be caused to be manufactured by private industry, and not of material of war appertaining to the state, and delivered by the magazines of the state. This difference will not escape your excellency, and I would not have failed to come to an understanding with you if there had been asked of my department arms of the marine.

Upon the whole, my department has only conformed in this circumstance to its precedents It could only trust to the declaration of Messrs. Arman & Voruz, and it could not be responsible for the unlawful operations which might be undertaken I am going, however, to call forth from Messrs. Arman & Voruz explanations upon the facts of which you have spoken to me, and you may rest assured, M. and dear colleague, that the department of the marine will continue, as it has done up to the present day, to do everything which shall be necessary according to the wish of the Emperor, and conformably to the declaration of his government, in order that the most strict neutrality be observed in that which concerns the war which desolates America at this moment, &c.

CHASSELOUP LAUBAT.

Mr. Seward to Mr. Dayton.

No. 415.] DEPARTMENT OF STATE,
Washington, October 20, 1863.

SIR: I have to acknowledge the receipt of your despatch of the 6th instant, (No. 357,) relative to the movements of the steamer Southerner, which will be submitted to the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c.

Mr. Seward to Mr. Dayton.

No. 416.] DEPARTMENT OF STATE,
Washington, October 21, 1863.

SIR: Mr. Bigelow, the United States consul at Paris, has transmitted to the department, with a despatch of the 29th ultimo. further important papers relative to the iron-clads in the course of construction in France for the insurgents. It is presumed that he has also communicated the papers to you, and that you have

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made such further representations upon the subject to Mr. Drouyn de l'Huys as may have been required.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 365.] PARIS, *October* 21, 1863.

SIR: On the 19th instant I received a note from Mr. Drouyn de l'Huys requesting to see me on the next day (yesterday) in reference to certain matters of business. I, of course, attended at the foreign office at the time named. He then informed me that it had been reported to him that the United States steamship Kearsarge, Captain Winslow, now in the port of Brest, kept her steam constantly up with the view, as supposed, of instantly following and catching, if possible, the Florida upon her leaving that port; and that France, having resolved to treat this vessel as a regularly commissioned ship-of-war, could not and would not permit this to be done. He said that the rule which requires that the vessel first leaving shall have twenty-four hours the start must be applied. To avoid the difficulty which he said must inevitably follow a disregard of this rule by Captain Winslow, he requested me to communicate to him the determination of this government, and apprize him of the necessity of complying with the rule. Inasmuch as nothing was to be gained by inviting the application of force, and increased difficulties might follow that course, I have communicated to Captain Winslow the letter of which I herewith send you a copy.

Mr. Drouyn de l'Huys furthermore informed me that this government, after much conference, (and, I think, some hesitation,) had concluded not to issue an order prohibiting an accession to the crew of the Florida while in port, inasmuch as such accession was necessary to her navigation. They had made inquiries, it would seem, and said they had ascertained that the seventy or seventy-five men discharged after she came into Brest were discharged because the period for which they had shipped had expired. He said, furthermore, that it was reported to him that the Kearsarge had likewise applied for some sailors and a pilot in that port, as well as for coal and leave to make repairs, all of which had been, and would be, if more were needed, cheerfully granted.

I told him I was quite confident the Kearsarge had made no attempt to ship a crew there, and that as respects a pilot, that stood on ground peculiar to itself, and had no reference to the general principle.

The determination which has been reached by the French authorities to allow the shipment of a crew, or so large a portion of one, on board of the Florida while lying in their port, is, I think, wrong, even supposing the vessel a regularly commissioned ship-of-war. I told Mr. Drouyn de l'Huys that, looking at it as a mere lawyer and clear of prejudices, which my official position might create, I thought this determination an error. He said, however, that in the conference they had reached that conclusion unanimously, although a majority of the ministry considering the question were lawyers. It may happen, however, that the decision will have no practical effect, as my last information from England makes it doubtful if the rebel agents there can get the men.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

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PARIS, *October* 21, 1863.

SIR: The French minister of foreign affairs, Mr. Drouyn de l'Huys, informs me that it is reported to him that you keep steam constantly on your vessel in the port of Brest with the view, as supposed, to instantly follow the Florida out of the roadstead, if she leaves before you, and seize her if possible. He informs me, furthermore, that, the French government having resolved to treat the Florida as a regular ship-of-war, this proceeding on your part cannot be permitted; that the rule which, under such circumstances, gives twenty-four hours start to the vessel first leaving port will be applied. He has requested me, with a view to avoid an unpleasant difficulty, to apprize you of this determination of the French government, and to request you to comply with the above rule. As nothing is to be gained by compelling this government to exercise force in applying this rule, you will, I trust, submit as a matter of necessity to the requirements.

I am further informed that this government does not consider itself bound to prohibit an accession to the crew of the Florida while lying in the port of Brest, provided such accession does not increase the number beyond that which they brought into port.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Captain WINSLOW,
United States Steamship Kearsarge.

Mr. Dayton to Mr. Seward.

No. 366.] PARIS, *October* 21, 1863.

SIR: In conversation with Mr. Drouyn de l'Huys, on yesterday, he informed me that you had revoked an order recently given to allow the exportation from Virginia of some tobacco belonging to the French government; that this revocation had been made because, if the concession were made to France, England, perhaps, would, as you supposed, apply for the like favors, which might embarrass you. Mr. Drouyn de l'Huys said they had gone to the trouble of getting the assent of the British government to this act, and the promise on its part never to set up the concession as a precedent, and they hoped you would yet, as a favor, permit the export, though it was one of those matters which you would grant or withhold at your pleasure. But he wished me to let you know that they attached to the concession a certain importance; that tobacco being a government monopoly in France, it was necessary to their finances that the supply from our country be kept up. He hoped you would yet permit the tobacco to come out. I asked him if it had been bought before the war, or if it had already been paid for, which circumstances, I thought, might influence your action on the question, but he professed himself to be ignorant on both these points. I shall be happy if you can, without sacrifice, grant this favor.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

P. S.—Since writing the above I have been again spoken to by one of the subordinate officials of this government in reference to the tobacco question. He speaks of the importance attached to this matter, especially by the minister of finance, and says that this tobacco was bought before the war, and has been already paid for by government.

If this be so, it would seem to me there could be little objection under the circumstances to permitting its export. D.

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Mr. Dayton to Mr. Seward.

[Extract.]

No. 367.] PARIS, *October* 22, 1863.

SIR: Your despatches Nos. 409 and 410 have been duly received. No. 409 refers more especially to the evidence received at your department in reference to the war steamers now being built at Bordeaux and Nantes for the rebels of the south, and you express the hope that I will "lose no time unnecessarily in bringing the transaction to the notice of Mr. Drouyn de l'Huys, and asking for the effectual interposition of the government to prevent the departure of the hostile expedition." My despatches, especially that dated September 22, last, and received by you doubtless after the writing of your despatch above referred to, will satisfy you that no time whatever has been lost; my application to Mr. Drouyn de l'Huys was immediate, before even copies of the papers were ready for him. And I am bound to say that his general answer, that they would maintain their neutrality, was equally prompt. I have already informed you that I told Mr. Drouyn de l'Huys this question was of so much importance that I was not content it should rest merely on my memory and report of conversations between us; that I had requested him to put his answer in writing, and to apply it not to general principles merely, but to the specific case—to the question of what would be done in respect to these vessels. He as constantly held to me the same language, to wit, that the building and arming of these vessels was a breach of neutrality which the government of France would not tolerate. In our last conversation (Tuesday, the 20th instant,) he said that he and the minister of marine had agreed upon their course of action as to this matter; that the minister of marine would withdraw, (and I think he said he had already withdrawn,) as I had requested, the authorization to arm these vessels, and that he (Mr. Drouyn de l'Huys) had already made the minute or rough draft of a note to the proper department, which would be completed and sent the next day, requiring that his (the foreign) department should be properly notified and advised with before any of these vessels should be permitted to leave port. He said that these vessels could not, and would not, be permitted to leave port without the usual papers properly authenticated. He has promised me copies of the order of the minister of marine, withdrawing the authorization, and of his own note, in time for the mail of to-day. If they shall be received in season, they will be hereunto attached.

He informs me that Mr. Arman, member of the corps legislatif, and Mr. Voruz, either a present or ex-member of that body, the parties contracting for these vessels and the armament, deny all knowledge of the existence of any such papers as we have submitted to the government, and yet continue to say that these vessels are for the China seas, and ultimate sale, if possible, to the government of China or Japan. They profess, I understand, to be quite indignant at the charges against them. I have myself no doubt of the genuineness of the papers; and Mr. Bigelow has been advising (with my assent) with Mr. Berryer, (the distinguished lawyer, and now an opposition member of the corps legislatif,) as to the propriety of prosecuting these parties in a French court of law, with a view to making an example of them, and in the hope of deterring others from like offences. The building and arming of these vessels for the rebels is, I think, a clear violation of certain penal enactments, but whether we can prosecute successfully or not I do not know. It has to be done through the intervention of the French procureur general. What would you advise in reference to this matter?

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I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

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Mr. Seward to Mr. Dayton.

No. 417.] DEPARTMENT OF STATE,
Washington, October 23, 1863.

SIR: I have the honor to acknowledge the reception of your despatch of the 9th instant, (No. 361,) which brings me the views expressed by Mr. Drouyn de l'Huys concerning the situation in Mexico. Various considerations have induced the President to avoid taking any part in the speculative debates bearing on that situation which have been carried on in the capitals of Europe as well as in those of America. A determination to err on the side of strict neutrality, if we err at all, in a war which is carried on between two nations, with which the United States are maintaining relations of amity and friendship, was prominent among the considerations to which I have thus referred.

The United States, nevertheless, when invited by France or Mexico, cannot omit to express themselves with perfect frankness upon new incidents, as they occur, in the progress of that war. Mr. Drouyn de l'Huys now speaks of an election which he expects to be held in Mexico, and to result in the choice of his Imperial Highness the Prince Maximilian of Austria to be Emperor of Mexico. We learn from other sources that the prince has declared his willingness to accept an imperial throne in Mexico on three conditions, namely: first, that he shall be called to it by the universal suffrage of the Mexican nation; secondly, that he shall receive indispensable guarantees for the integrity and independence of the proposed empire; and thirdly, that the head of his family, the Emperor of Austria, shall acquiesce.

Referring to these facts, Mr. Drouyn de l'Huys intimates that an early acknowledgment of the proposed empire by the United States would be convenient to France, by relieving her, sooner than might be possible under other circumstances, from her troublesome complications in Mexico.

Happily the French government has not been left uninformed that, in the opinion of the United States, the permanent establishment of a foreign and monarchical government in Mexico will be found neither easy nor desirable. You will inform Mr. Drouyn de l'Huys that this opinion remains unchanged. On the other hand, the United States cannot anticipate the action of the people of Mexico, nor have they the least purpose or desire to interfere with their proceedings, or control or interfere with their free choice, or disturb them in the enjoyment of whatever institutions of government they may, in the exercise of an absolute freedom, establish. It is proper, also, that Mr. Drouyn de l'Huys should be informed that the United States continue to regard Mexico as the theatre of a war which has not yet ended in the subversion of the government long existing there, with which the United States remain in the relation of peace and sincere friendship; and that, for this reason, the United States are not now at liberty to consider the question of recognizing a government which, in the further chances of war, may come into its place. The United States, consistently with their principles, can do no otherwise than leave the destinies of Mexico in the keeping of her own people, and recognize their sovereignty and independence in whatever form they themselves shall choose that this sovereignty and independence shall be manifested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

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Mr. Seward to Mr. Dayton.

No. 418.] DEPARTMENT OF STATE,
Washington, October 23, 1863.

SIR: Recurring to your despatch of October 9, (No. 361,) I have now to approve of the suggestions you made in the conversation with Mr. Drouyn de l'Huys therein related. While this government cheerfully confides in the assurances given by Mr. Drouyn de l'Huys of the just and friendly disposition of the Emperor towards the United States, it is only too manifest that distrust is taking strong hold of the American mind.

I hope that the expected declaration of his Majesty may counteract that painful sentiment, so unfavorable to a good understanding between the two countries.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Dayton to Mr. Seward.

No. 368.] PARIS, *October* 23, 1863.

SIR: In my despatch No. 367, of yesterday, I said that Mr. Drouyn de l'Huys had promised to me copies of the order of the minister of marine withdrawing the authorization for the armament of the rebel vessels at Nantes and Bordeaux, and of his note to the minister. Instead thereof, I have this morning received a communication from him announcing the withdrawal of such authorization and the serving of notice upon Mr. Arman.

I herewith enclose a copy and translation of this communication.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

P. S.—I observe that Mr. Drouyn de l'Huys in his note says that I have affirmed the authenticity of the information furnished to him. I believe it to be authentic, and I have so said, though, of course, I have no personal knowledge of the handwriting of the parties whose letters and contracts I have submitted to him. I have affirmed their authenticity only as stated in my preceding despatches.

D.

Mr. Drouyn de l'Huys to Mr. Dayton.

[Translation.]

PARIS, *October* 22, 1863.

SIR: I have the honor to announce to you, as a sequence to my letter of the 15th of this month, that M. the minister of marine has just notified Mr. Vorus of the withdrawal of the authorization which he had obtained for the armament of four vessels in course of construction at Nantes and Bordeaux. Notice has also been given to Mr. Arman, whose attention has been at the same time called to the responsibility which he might incur by acts in opposition to our declaration of the 18th of June, 1861. These measures testify, sir, to the scrupulous care which the government of the Emperor brings to the observance of the

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rules of a strict neutrality. It is in order to give to your government a new proof of our dispositions in this respect, that we have not hesitated to take into consideration the information, the authenticity of which you have affirmed to me.

Accept the assurances of the high consideration with which I have the honor to be, sir, your very humble and very obedient servant,

DROUYN DE L'HUYS.

Mr. DAYTON,
Minister of the United States at Paris.

Mr. Seward to Mr. Dayton.

No. 420.] DEPARTMENT OF STATE,
Washington, October 24, 1863.

SIR: I have to acknowledge the receipt of your despatch of the 2d instant, (No. 356,) communicating a copy of a note of the 1st instant, addressed by you to Mr. Drouyn de l'Huys, relative to the proposed manning of the Florida in a French port with a crew brought thither from a British port. Your course in the matter is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 421.] DEPARTMENT OF STATE,
Washington, October 24, 1863.

SIR: Your despatch of October 8 (No. 359) has been received. Your proceedings therein related, in regard to the favors shown to the pirate Florida and her crew at Brest, and the positions assumed on that subject in your interview with Drouyn de l'Huys, are altogether approved.

In connexion with this subject, I submit for your consideration the expediency of recalling the attention of Mr. Drouyn de l'Huys to a correspondence on the subject of privateers which took place between the French government and the government of the United States at the beginning of the Crimean war. A statement of this correspondence accompanies this despatch. If the French government take the ground that the Florida is not a privateer, but a public armed vessel, it may be pertinent to ask, of what practical value to an exposed belligerent is the distinction made by a neutral between public armed vessels and privateers, if the other belligerent can, at its pleasure, create privateers into belligerents, by giving them commissions instead of letters of marque; and if, bearing such commissions, they can, to all practical intents, carry on the business of privateering? It would be difficult to see, in that case, what the interests of commerce have gained, or can gain, by the declaration of the congress of Paris against privateering.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

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Memorandum.

Under date of April 28, 1854, Mr. Sartiges, &c., &c., &c., minister plenipotentiary of France, addressed a communication to the Secretary of State, in which he stated that his Majesty the Emperor of the French and her Majesty the Queen of Great Britain had determined, in the war with Russia, not to authorize privateering by letters of marque, and that the government of his Majesty the Emperor of the French trusted that the government of the United States would, by way of just reciprocity, give orders that no privateers under the Russian flag should be allowed to be fitted out, or victualled, or admitted with its prizes in the ports of the United States, and that citizens of the United States would vigorously abstain from taking part in equipments of that kind, or in any other measure contrary to the duties of a strict neutrality.

The Secretary of State replied to Mr. Sartiges, on the same day, that he was directed by the President to state that the government of the United States, while claiming the full enjoyment of their rights as a neutral power, would observe the strictest neutrality towards each and all the belligerents; that the laws of the United States imposed severe restrictions, not only upon its own citizens, but upon all persons who might be residents in this country, against equipping privateers, receiving commissions, or enlisting men therein, for the purpose of taking a part in any foreign war; that it was not apprehended that there would be any attempt to violate these laws; but should the just expectations of the President be disappointed, he would not fail in his duty to use the power with which he was invested to enforce obedience to them; that considerations of interest and the obligations of duty alike give assurance that the citizens of the United States would in no way compromit the neutrality of their country by participating in the contest in which the principal powers of Europe were unhappily engaged.

A similar note was addressed to the department by Mr. Crampton, the British minister, who received the same answer.

Mr. Seward to Mr. Dayton.

No. 422.] DEPARTMENT OF STATE,
Washington, October 24, 1863.

SIR: Your despatch of October 8 (No. 360) has been received. Your proceedings in laying before Mr. Drouyn de l'Huys additional documentary evidence concerning the hostile naval preparations at Nantes and Bordeaux, and also the representations you made to him on that occasion, are approved.

The President waits with solicitude for the promised determination of the question.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., *&c., &c., &c.*

Mr. Dayton to Mr. Seward.

No. 370.] PARIS, *October* 27, 1863.

SIR: I have the honor to acknowledge the reception of your despatches Nos 411, 412, and 413.

Despatch No. 411 apprises me of the fact that the President awaits with unusual solicitude the answer of this government to my communication made to

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the minister of foreign affairs on the 22d of September last, in reference to the vessels now being prepared in certain ports of France for the rebels. I have already forwarded to you that answer and its translation, which, I trust, will have relieved this solicitude.

Will you do me the favor to examine your files and see whether England *and France* did not, on the breaking out of the Crimean war, (1854,) address a joint note or notes of like character to the United States, requesting that it would, "in the spirit of just reciprocity, give orders that no privateer under Russian colors shall be equipped or *victualled*, or admitted with its prizes into the ports of the United States?" Mr. Cobden, in a speech in Parliament, so stated, yet I can find no trace of this note on my files or in the published documents; nor can anything like it be found, as M. Drouyn de l'Huys informs me, in the French foreign office. If such communication were made, I desire to bring it to the notice of this government in connexion with its treatment of the rebel ship Florida in the port of Brest.

If the pretence that this vessel is a regularly commissioned ship-of-war is raised as a justification, the decision of Paris against privateering is "a thing of moonshine."

It matters not, for practical purposes, whether the written authority a vessel carries is called a "commission or letter of marque"—they are pieces of paper emanating from the same source, differing only in form.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 425.] DEPARTMENT OF STATE,
Washington, November 1, 1863.

SIR: Your despatches of the 16th instant, (No. 363 and No. 364,) in relation to the iron-clad war ships in course of construction at Nantes and Bordeaux, have been received, with the translation of a communication of the 15th instant from M. Drouyn de l'Huys on that question.

I feel constrained to express my disappointment that the answer which has thus been made to your remonstrances on this grave subject was not more direct and conclusive. If Mr. Drouyn de l'Huys does not soon recur to it in a more satisfactory manner, you will be expected to follow it up and to obtain an early reply. In your performance of this duty, previous instructions will furnish reasons which you will, in your discretion, use to promote the desired solution of the matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WM. L. DAYTON, Esq., *&c., &c.*

Mr. Dayton to Mr. Seward.

[Extract]

No. 372.] PARIS, *November* 6, 1863.

SIR: Herewith I enclose to you the copy of a communication made this day to Mr. Drouyn de l'Huys, relative to the action of the French government in reference to the rebel steamers Florida and Georgia, now in the ports of Brest and Cherbourg for repairs.

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Having found the despatch which I recently requested you to search for in your office at Washington printed among the British parliamentary papers, and in Wheaton's international law, I thought it would justify a few comments.

* * * * * * * * * *

They may be useful for future reference.

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I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Dayton to Mr. Drouyn de l'Huys.

PARIS, *November* 6, 1863.

MONSIEUR: A copy of the communication made by the French and British governments to that of the United States at the commencement of the Crimean war on the subject of neutral rights and obligations, and for which the clerks of your office have, I understand, searched in vain, I find printed in the British parliamentary papers of 1856, among those entitled "Papers relative to recruiting in the United States," (page 236.) It is likewise quoted in a note to the sixth edition of Wheaton's Law of Nations, printed in 1856, (page 435.) A copy of that communication, for the satisfaction of your excellency, is hereunto attached. Mr. Wheaton, after quoting the more important parts of this despatch, adds that "the Comte de Sartiges addressed the Secretary of State on the 28th April, 1854, to the same effect on the part of the French government." Mr. Marcy, the United States Secretary of State, in his answer, which was the same to both governments, on the day of the date of the last note, remarks that "the laws of this country impose severe restrictions not only upon its own citizens, but upon all persons who may be residents within any of the territories of the United States, against equipping privateers, receiving commissions, or enlisting men therein for the purpose of taking part in any foreign war;" and he might have added that the same statute equally prohibits enlisting men for this purpose, whether as soldiers, marines, or seamen, on board of any *vessel-of-war*, letter of marque, or privateer. I do not stop to remind your excellency how fully the United States met the wishes of France and England during the existence of the Crimean war, although its conduct was such that I believe no complaint was made by either party which was not subsequently withdrawn as groundless. The despatch above referred to, after apprizing us that the governments of England and France had resolved not to issue letters of marque during that war, proceeds to express the hope that "the government of the United States will, in the spirit of *just reciprocity*, give orders that no privateer under Russian colors shall be *equipped*, or *victualled*, or admitted with its prizes into the ports of the United States; and also that the *citizens* of the United States shall rigorously abstain from taking part in armaments of this nature, or in any other measure opposed to the duties of a strict neutrality." I now beg to submit to your excellency whether the reception of the Florida in the port of Brest, the repairs permitted, the supplies furnished, and the permission to renew her crew to the extent of the seventy-five men, whose time it is said has expired, are not violations of the *spirit* of that rule of action commended for acceptance in this despatch to the government of the United States.

The recent arrival at Cherbourg of the Georgia, another rebel steamer of like character as the Florida, and the request of her captain, as I am informed, to be admitted into one of your dry docks to clean and examine her bottom, presents this question anew, and in a yet stronger light. It is no longer an appli-

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cation of necessity, but convenience. I do not forget that your excellency has informed me that France, having recognized the confederates as belligerents, must treat their vessels as ships-of-war.

It is true the Georgia, like the Florida, the Alabama, and other scourges of peaceful commerce, was born of that unhappy decree which gave the rebels, who did not own a ship-of-war or command a single port, the right of an ocean belligerent. Thus encouraged by foreign powers, they began to build and fit out in neutral ports a class of vessels constructed mainly for speed, and whose acknowledged mission is not to fight, but to rob, to burn, and to fly. Although the smoke of burning ships has everywhere marked the track of the Georgia and Florida upon the ocean, they have never sought a foe, or fired a gun against an armed enemy. To dignify such vessels with the name of ships-of-war seems to me, with deference, a misnomer. Whatever flag may float from their mast-head, or whatever power may claim to own them, their conduct stamps them as piratical. If vessels-of-war even, they would by this conduct have justly forfeited all courtesies in the ports of neutral nations. Manned by foreign seamen, armed by foreign guns, entering no home port, and waiting no judicial condemnation of prizes, they have already devastated and destroyed our commerce to an extent, as compared with their number, beyond anything known in the records of privateering.

The origin and history of the Florida are familiar to your excellency; that of the Georgia, which has just arrived, may be less known. This last-named steamer was built at a port in Scotland, and armed by British guns while anchored near the French coast, in French waters. The crew was first shipped for this vessel under the name of the Japan, bound for Singapore, Hong Kong, or other ports in the China seas. She sailed from Greenock, Scotland, under British colors, for the French port of Ushant, where she was joined by the Alar, another small British steamer. To these vessels, your excellency will recollect, I called your attention at the time. They came to anchor in a small bay on the French coast, and within, as is alleged, a stone's throw of the shore. The guns and ammunition were there shifted from the Alar to the Japan; the men were then called aft and informed that the voyage to Singapore was abandoned, and that the vessel would no more be called the Japan, but the Virginia, a confederate war steamer; and that the captain was going to burn and destroy all North American vessels. New shipping articles were then produced, and, after reading them, the crew were called upon to sign, and a majority of them did so. The confederate flag, so called, was then raised, and the Japan, under the name of the Virginia, since changed to the Georgia, commenced her career. I have papers and affidavits in my possession proving the facts herein stated, which, if important in the views of your excellency, I shall be happy to submit. This vessel was, therefore, in fact, armed, and its crew enlisted within the jurisdiction of France. It is true that this government has recognized the south as belligerents, but it has at no time, so far as I know, recognized as lawful the conduct of these marauders, who constitute themselves sole judges of what is and what is not lawful prize, and, as a rule of action, destroy it without judicial condemnation. To accept the excuse that they have no port into which they can enter, by reason of our blockade, is to make their acknowledged weakness a source of strength. No such exception can, I think, fairly exempt them from the ordinary rules of maritime law.

The spirit of the despatch before mentioned, in which the "allied governments" adopt for themselves, and commend to us, the rule that no privateer shall be equipped, or victualled, or admitted with its prizes into our ports, seems to me to conflict much with the treatment extended to vessels like the Florida and Georgia. If they, while yet reeking with the smoke of their burned victims, (as was the case of the Florida, which burned the Anglo-Saxon while on her way into Brest,) shall be received and assisted because they carry one form

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of paper instead of another, (a commission instead of a letter of marque,) although both are issued by the same authority, it seems to me that the spirit is sacrificed to the letter—the substance to the form.

If the convention of Paris of 1856, abolishing privateering among those states becoming parties to it, goes no further than this, it amounts to little—binding to nothing except to the form of the commission, while the responsibility of the government for the conduct of the ship remains the same, whether it sail as a vessel-of-war proper, or as a letter of marque.

But I can scarcely believe that the "allied governments," after their appeal to us at the commencement of the Crimean war, would have thought our duty as neutrals fairly discharged if, under like circumstances, we had permitted our ports to be used by vessels so built, armed, manned, and conducted, as places of refuge, or for renewing their crews and for general repairs. Yet that case would not have been so strong as the present, for Russia is a government acknowledged by all, and responsible in its nationality for wrongs, while the confederates have no such responsibility whatever.

In closing this communication, it gives me great pleasure to acknowledge the promptitude and care with which the French government has heretofore acted upon all questions connected with the building, equipping, or fitting out of ships in their ports in aid of the south. It has even manifested a willingness to maintain, in good faith, the neutrality of its ports and harbors.

Accept, sir, the assurances of high consideration with which I have the honor to be your excellency's very obedient servant,

WILLIAM L. DAYTON.

His Excellency M. DROUYN DE L'HUYS,
Minister of Foreign Affairs, Paris.

Mr. Crampton to Mr. Marcy.

WASHINGTON, *April* 24, 1854.

The undersigned, her Britannic Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, has received orders from his government to make to the Secretary of State of the United States the following communication:

Her Majesty the Queen of Great Britain and Ireland and his Majesty the Emperor of the French, being compelled to take up arms for the purpose of repelling the aggressions of the Emperor of Russia upon the Ottoman empire, and being desirous to lessen, as much as possible, the disastrous consequences of commerce resulting from a state of warfare, their Majesties have resolved, for the present, not to authorize the issue of letters of marque.

In making this resolution known, they think it right to announce, at the same time, the principle upon which they will be guided, during the course of this war, with regard to the navigation and commerce of neutrals.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has accordingly published the accompanying declaration, which is identical with that published by his Majesty the Emperor of the French.

In thus restricting within the narrowest limits the exercise of their rights as belligerents, the allied governments confidently trust that the governments of countries which may remain neutral during the war will sincerely exert every effort to enforce upon their subjects or citizens the necessity of showing the strictest neutrality.

Her Britannic Majesty's government entertains the confident hope that the United States government will receive with satisfaction the announcement of the resolutions thus taken, in common with the two allied governments, and that it will, in the spirit of just reciprocity, *give orders that no privateer under Russian colors shall be equipped, or victualled, or admitted with its prizes in the ports of the United States* And also that the citizens of the United States shall rigorously abstain from taking part in armaments of this nature, or in any other measure opposed to the duties of a strict neutrality.

The undersigned, &c.

JOHN F. CRAMPTON.

Hon. Mr. MARCY, &c., &c.

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Mr. Seward to Mr. Dayton.

No. 432.] DEPARTMENT OF STATE,
Washington, November 21, 1863.

SIR: Your despatch of November 6 (No. 372) has been received and submitted to the President. The note you addressed to Mr. Drouyn de l'Huys, on the same day, upon the subject of the pirates Florida and Georgia, is approved, not only in its spirit, but its every word. I can perceive in it no argument omitted or overstrained; I trust that this remonstrance will secure the careful as well as the prompt attention of the French government. The principle involved is a plain one, namely, that in a war, whether civil or foreign, a contending party without ports, or harbors, or ships, or coast, shall not be allowed, by neutral nations, to build, or arm, equip, and maintain, in the ports of such states, and on the ocean, piratical vessels to depredate on the unarmed commercial vessels of a nation with whom these states are in relations of peace and friendship, and to enjoy shelter and protection in such states without amenability to the international laws of war.

The government of the United States, in favor of the commerce of neutrals and the peace of nations, denies any toleration to such a practice. The governments of France and Great Britain seem to us to accord it. Which of the two policies shall become the precedent in future wars? It is desirable and it is urgent that this question shall be settled now. France is at war in Mexico, and, practically speaking, has closed all the ports of that republic. Would she assent to our following her own precedent set in the case of the Florida, and especially of the Georgia? True, we are yet too busily engaged in a domestic war to suffer our ship-builders and armorers to become ship-builders and armorers for the enemies of France. True, this war of ours has not yet resulted in the suppression of the insurgents, and perhaps France may yet think that it is not likely to have that auspicious termination. But these are speculations on the chances of war. Is it reasonably certain not only that we shall not regain our domestic peace within a year, but that during that time Europe will remain entirely at rest and free from the commotions of civil and international wars? If, on the contrary, we shall again be left free from the calamity of war, and that calamity shall descend upon Europe, can any European statesman believe that misguided citizens of the United States would not claim the right to practice upon the rules which the maritime powers, when the cases were reversed, had applied to ourselves? This government is not sanguine in regard to the close of our civil war. It neither hopes nor desires, and therefore it does not expect, a disturbance of the peace of Europe. But it does believe that time in its progress brings a common experience to every nation in its turn, and it asks, in the interests of peace and of humanity, that the policy of maritime powers may now be based upon principles susceptible of universal application.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

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FRENCH LEGATION.

Mr. Seward to Viscount Treilhard.

DEPARTMENT OF STATE,
Washington, October 13, 1862.

SIR: I have the honor to acknowledge the receipt of your communication of the 6th instant, commending to the kind attention of this government three affairs which interest Frenchmen in New Orleans, namely: first, one in relation to various lots of sugar belonging to Messrs. Richard Aldige & Company and to Messrs. Goodchaux, deposited in the warehouses of the custom-house in that city; secondly, another relating to two lots of printing paper belonging to Charles Harispe, which Major General Butler caused to be seized in the warehouses of the custom-house there; and thirdly, certain arbitrary acts which are represented to have been committed by orders of federal authorities on a plantation belonging to French citizens, and to state that these matters have all been referred to the appropriate departments of this government for inquiry and report.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

WILLIAM H. SEWARD.

VISCOUNT TREILHARD, *&c., &c., &c.*

Mr. Seward to Viscount Treilhard.

DEPARTMENT OF STATE,
Washington, October 16, 1862.

SIR: Referring to your note of the 6th instant, in which, among other things, allusion is made to certain lots of sugar belonging to Messrs. Richard Aldige & Company and to Messrs. Goodchaux, deposited in the government warehouses at New Orleans, and to my reply, I now have the honor to inform you that, from information just received from the Treasury Department on the subject, it appears that instructions were g ven to the acting collector at New Orleans on the 26th ultimo, concerning the delivery of goods from the government warehouses, which will cover the cases in question.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

VISCOUNT TREILHARD, *&c., &c., &c.*

Mr. Mercier to Mr. Seward.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, October 31, 1862.

SIR: At a time when the putting into practice of the law of conscription gives rise to certain difficulties in regard to the nationality of Frenchmen residing in the United States, it has seemed to me that it would be advantageous to settle

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in a precise manner which of my countrymen it is who, not having lost their nationality derived from origin, should of right be exempted from military service. I have, therefore, prepared a draft of circular which I contemplate addressing shortly to the consuls of the Emperor in the United States, and in which I have briefly mentioned the various classes of Frenchmen who, according to the terms of our legislation, are placed in the condition indicated above. I have the honor to communicate to you beforehand this document, requesting you to be pleased to make to me such observations thereon as it may suggest to you. It is unnecessary for me to tell you that they will be received in a spirit of friendly impartiality, and with a sincere wish that we may succeed in coming to an agreement with you as soon as possible in regard to the details of the question, and thus prevent every kind of practical difficulty.

This first point easily attained, as I hope, I shall request you to be pleased to address to the governors of the States, as well as to all other functionaries to whom you may judge it proper to do so, a copy of my circular, and to indicate that the principles on which it is founded have been acknowledged to be just by the government of the United States, and that consequently the certificates issued by our consuls, agreeably to the request which I make of them, are to be considered in the proper quarter as *a priori* an incontrovertible proof of the nationality of the bearer, and consequently of his right to escape all the effects of the law of conscription.

I have adverted, in concluding, to the question relative to those foreigners who are settled in one of the States, whose peculiar legislation admits them to the right of voting even when they have only made a first declaration with a view of obtaining American naturalization. It is not for me to estimate how far such a provision does or does not put the legislation of those States in conflict with the federal laws in regard to naturalization, but merely to regard the question from a stand-point of its practical effects; and while maintaining that the fact of voting under such circumstances does not entail upon a Frenchman the loss of his nationality, I think I have reached a conclusion which is equitable in behalf of my countrymen, and yet perfectly conformable to the theory and practice of the federal government in regard to this matter.

A Frenchman, in our view, could only lose his nationality derived from origin in the contingencies provided by our legislation, such as naturalization in a foreign country, or the acceptance of certain public functions without the authority of the Emperor.

I embrace this opportunity, sir, to renew to you the assurances of my high consideration.

HENRI MERCIER.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Draft of a circular to be addressed by the legation to the consuls of France in the United States.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, October 31, 1862.

SIR: The system of conscription which has just been put in force in the United States being of a character to give rise to certain questions as to the nationality of foreigners by birth or by origin, it has seemed to me essential, for the sake of our countrymen residing in this country, and in order to prevent any conflict with the local authorities, to settle categorically who among the persons that may have recourse to your intervention should of right remain exempt from service in the American armies, and for this purpose it will suffice to settle summarily who they are, among those persons, that have, in the terms of our legislation, preserved intact the French nationality. In fact, there is no principle more clearly defined by the law of nations than that, according to which the unnaturalized foreigner

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owes no military service to the country in which he may temporarily have taken up his residence. The federal government has less than any other disputed this principle; on the contrary, it has affirmed it on more than one occasion, as well in its declarations to, as in its relations with, other powers.

The following persons are Frenchmen, and from that fact should be exempted from military service in the United States:

1st. Frenchmen born in France, or naturalized Frenchmen who have preserved their quality intact, whatever may have been the duration of their sojourn in this country.

2d. Frenchmen by birth or by the fact of naturalization who have made a first declaration of intention to become citizens of the United States, but who have never taken out letters of naturalization.

3d The minor sons, born in France or in foreign countries, who are the issue of the above individuals.

4th The minor sons, even those born in this country, of French parents who are naturalized Americans, if they were born before the naturalization of their father.

5th The minor sons of unnaturalized Frenchmen who, born in this country, have done no act at the period of or since their majority which could be interpreted as a choice by them of American nationality, such as participating in the popular vote, forming part of the jury, or any other act for the performance of which the quality of a citizen is requisite.

6th. The preceding article applies equally to the major sons of naturalized Frenchmen, if they were born before the naturalization of their parents.

7th. Those major sons of Frenchmen naturalized as Americans who were born in the United States after the naturalization of their fathers, if they prove that they have recovered French nationality by complying with the formalities which are requisite to this effect.

8th. The major sons of foreigners who were born in France, if they prove that they have claimed the quality of a Frenchman and have confirmed to the requirements of the law within the year that followed their majority.

9th. The preceding article applies equally to the children of a foreigner naturalized as a Frenchman, although they were born in a foreign country, if they were minors at the time of the naturalization of their parents.

10th The children born in France or in a foreign country of a foreigner naturalized as a Frenchman, who were majors at the period of that naturalization, if, taking advantage of the benefits of the law, they have claimed and obtained the quality of a Frenchman within the year which followed that of said naturalization.

Consequently, all Frenchmen included in the above-mentioned classes who shall be prepared to furnish the proofs thereof, and who shall declare under oath that they have performed no act of a character to make them lose their nationality derived from origin, shall retain all their rights to the protection of the Emperor's agents, and I therefore request you to issue to them without delay a certificate in conformity to the model hereto annexed.

The presentation of this certificate should suffice to suspend the action of the American authorities who are charged with the recruitment, so far as it may have begun to be exercised against any of these Frenchmen; and in case those authorities should deem it their duty to take no notice thereof, I request you to inform me of the fact immediately, in order that I may prepare to report the same directly to the government of the United States.

Finally, circumstances might be presented in which the scrupulousness of the French agent would have been surprised by the presentation of incorrect documents or by the taking of a false oath; I need scarcely tell you that you should receive on the spot, as I would myself receive them at Washington, in a spirit of impartial equity, the proofs which in this regard might be offered to us by the American authorities.

There is one point to which I wish to call your attention. The peculiar constitutions of certain States admit to the right of voting foreign residents who have only made a first declaration with a view of becoming American citizens; now it has been asked what, in presence of the law of conscription, would be exactly the position of foreigners who have profited by this favor? The answer to this cannot be doubtful. If it was the intention of the legislators of a State to extend even to the privilege of taking part in the elections the civil rights, or rather the rights of citizenship, granted in various countries to the domiciliated foreigner, in consideration of a first step with a view to obtaining naturalization, or from the simple fact of residence, we could only see in such a provision an act of internal police, and could not in any case allow it to be assimilated in its effects to one which consists in obtaining letters of naturalization, and in becoming *de facto and de jure* a citizen of the United States.

The federal government, to which the Constitution has expressly reserved the right of granting naturalization, has never considered foreigners who have made the first declaration as citizens, whether they took part or not in the elections in virtue of the peculiar

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constitution of a state; it has from the earliest period kept up the rule of refusing them passports.

Abandoned by us, Frenchmen placed in the position indicated above would, consequently, be not only without protection, but without nationality. I do not think that we ought to consent to this; and since the government of the United States does not consider them as American citizens from the fact of their voting, we ought to continue to consider them as Frenchmen, by assimilating in some sort the part which they may have taken in the elections under such circumstances to the services which they might have been called to render in certain cases in the ranks of a city guard—services which would not have entailed on them the loss of their nationality derived from origin. I therefore, sir, request you to issue certificates to such of our countrymen as may be found in the last condition of which I have spoken to you.

Accept, &c.,

——— ———.

Mr. ——— ———,
Consul of France at ———.

Mr. Seward to Mr. Mercier.

DEPARTMENT OF STATE,
Washington, November 4, 1862.

SIR: I have carefully read your excellency's note of the 31st of October, in which I am requested to express my concurrence in the views of the laws affecting the claims of persons who may claim exemption from military service in the United States on the ground of a supreme allegiance to the Emperor of the French. You arrange such persons into ten distinct classes, and ask from me a categorical opinion in regard to the title of persons belonging to each of these classes to the waiver or exemption.

This government could not justly be asked to express itself upon even one proposition of that character, unless an actual case of the draft of a person falling within the terms of the proposition should arise. It would be still more inconsistent to pronounce categorically upon the several propositions of the same character if circumstances should not render such a proceeding indispensable to the protection of any individuals, or to the interests of the United States. I am satisfied, from what has already fallen under my notice, that there is no probability that cases will arise requiring so comprehensive an examination of the subject. Returns of drafted persons have been received at this department from three States, in all including two hundred and seventeen persons. Of them only two persons have claimed exemption on the ground of their owing allegiance to France. Each of these presented his claims directly to the department, under the official invitation extended for that purpose, without the intervention of any diplomatic or consular agent of the French government. One has already been pronounced exempt, and the other probably will be on the coming in of the evidence in his case.

I could not at present sanction all the positions assumed in your proposed circular. At the same time only inconvenience could result from unnecessarily controverting any of them. I propose, therefore, as the best way, to leave you at entire liberty to issue such instructions to your consuls as you think proper, and upon your own responsibility, reserving at the same time for myself a consideration of principles involved as the cases actually arise.

By the words *a priori* in your circular, I understand you to mean *prima facie*, and if this is so, I have no objection to make; otherwise it would be necessary for me to say that while I should pay the highest possible respect to a consular certificate of the facts in a case, I could not admit it to be conclusive so as to prevent my receiving contradictory evidence to rebut it and deciding in any case, as a full examination of all conflicting evidence should require.

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To conclude, I would observe that the apprehensions of timid persons have very much magnified hazards of the draft. I am satisfied that it will be entirely easy to dispose of the claims to exemption as they arise, to the entire satisfaction of your government and my own, without attempting to agree upon a protocol on a subject whose conflicts of law are so often encountered.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

Mr. HENRY MERCIER, *&c., &c., &c.*

Mr. Mercier to Mr. Seward.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, November 6, 1862.

SIR: I have received the note which you did me the honor to write to me, under date of the 5th of this month, in reply to my communication of the 31st of October, relative to the measure which I have deemed it my duty to recommend to your attention, with a view of establishing in a certain way the nationality of Frenchmen residing in the United States, who might find themselves in danger of being reached by the law of recruitment.

A previous understanding in regard to this question between the government of the United States and the legation of the Emperor seemed to me particularly desirable, because, in my opinion, it could not fail to prevent all difficulties. I do not doubt, indeed, that the government of the United States, on being called to decide in regard to the case of such or such foreigners who might be unduly taken off by the conscription, would render full justice to the applicants, and would grant them the exemption to which it would be ultimately proved that they were entitled; but that reparatory measure could not remove from foreigners who would become the subject of it all the inconveniences of an enrolment unjustly imposed, and would leave existing, in more than one case, their right to reparation or indemnity from the government of the United States.

Hence I still think that a general preventive measure would offer great advantages; and in case that, outside of that which I had the honor to submit for your examination, it should please the government of the United States to adopt another, such whose efficaciousness and applicability appeared to it better adapted to the necessities of the moment, you could be assured, sir, that I would take pleasure in modifying in this new direction the instructions which the consuls of the Emperor in the United States are soliciting from me, in view of the many difficulties which have been raised, and of the just apprehensions which are felt by our countrymen.

As to the importance which the American authorities might attribute *prima facie* to the certificates of nationality issued by the Emperor's consuls in the United States, I would take the liberty of observing to you that the French law has surrounded the issuing of these certificates with numerous formalities, with a view of preventing any error or any fraud; and that a certificate issued without those formalities having been complied with, might, in certain cases, render an agent liable to a penalty of two years' imprisonment.

I embrace this opportunity to renew to you, sir, the assurances of my high consideration.

HENRI MERCIER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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Mr. Mercier to Mr. Seward.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, November 6, 1862.

SIR: I have the honor to send you herewith the copy of a complaint which Mr. François Bougére, an old French resident of New Orleans and honorably known in that city, has just laid before the manager of the consulate of the Emperor, in relation to an act of spoliation of which he has been the victim on the part of the federal authorities.

The steps which Mr. Bougére has tried with the military governor of Louisiana have up to this time led to no result; and I therefore proceed to call the kind attention of the government of the United States to an affair whose gravity could not have escaped it, and the consequence of which has been to reduce in a single day to the most absolute destitution a Frenchman whose antecedents have been represented to me as excellent in all respects, and who appears to have never departed from the strict neutrality which the Emperor's government has not ceased to recommend to its citizens under existing circumstances.

I embrace this opportunity to renew to you, sir, the assurances of my high consideration.

HENRI MERCIER.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Bougére to Mr. Fauconnet.

[Translation.]

NEW ORLEANS, *October* 6, 1862.

MR. CONSUL: The undersigned, François Bougére, a native of Angers, (Maine et Loire,) France, an inhabitant of Louisiana since 1819, has the honor to inform you that, being on his plantation, in the parish of St. Charles, on the 28th of August, 1862, a column of troops of the United States, commanded by Colonel Thomas and Captain Grout, of the 8th Vermont, took by force on his plantation seventy-two slaves of various ages and distinct sexes, proceeding from families bought by him a long while prior to 1848, besides horses, mules, carriages, linen, jewelry, and stores, the whole, according to a statement annexed, amounting to the sum of seventy thousand eight hundred dollars. Moreover, that, being deprived of his workshop, of seventy-two negroes, mules, &c., &c., it was impossible for him to gather his present crop of corn and about three hundred hogsheads of sugar and molasses which would have been produced, and he will lose by this fact eighteen thousand dollars.

The undersigned thinks it his duty also to inform you that he has taken numerous steps with the local authorities, in order to obtain in a friendly manner the restoration of his slaves, horses, mules, &c., but that all his efforts have been fruitless. Having, therefore, no longer any hope of success with the authorities who govern this State, he proceeds, full of confidence, to solicit your intervention, to the end that the facts above enumerated may be brought to the knowledge of the minister plenipotentiary of France at Washington, and even to that of the government of his Imperial Majesty, in order that, protected by them, his claim and his protest may be taken into consideration, and that justice may be done to a French subject who has never lost his nationality nor borne arms against the United States.

The losses suffered by the undersigned amount to more than eighty-eight thousand dollars, as is proved by the annexed list, and all the fruit of his labor and savings for nearly forty years.

Relying, Mr. Consul, on the warm sympathy that you have always evinced for your countrymen, I beg you to accept in advance my sincere thanks for all which you may deem it your duty to do in my behalf, and the assurance of my profound respect.

FRANÇOIS BOUGÉRE.

The CONSUL OF FRANCE *at New Orleans.*

A true copy:

FAUCONNET,
Manager of the Consulate of France.

[Translation.]

Claim of Mr. François Bougére, of the parish of St. Charles, Louisiana.

SLAVES.

Men:

1.	Trasimond, sugar maker, 30 years old	$2,000
2.	Kellec, cart driver, 20 years old	1,500
3.	Eugene, field hand, 25 years old	1,600
4.	Camise, engine man, 26 years old	3,000
5.	Térence, field hand, 25 years old	1,200
6.	Edouard, cooper, 20 years old	2,000
7.	Antoine, field hand, 22 years old	1,600
8.	Lanoute, field hand, 18 years old	1,500
9.	Celestin, field hand, 17 years old	1,200
10.	Simon, cart driver, 30 years old	1,500
11.	Simonnette, field hand, 30 years old	1,200
12.	Dominique, field hand, 19 years old	1,200
13.	Felix, cart driver, 20 years old	1,500
14.	Amédée, cart driver, 17 years old	1,200
15.	Eugene Lamadon, cart driver, 30 years old	1,200
16.	Patrick, coachman, 40 years old	1,000
17.	Joe, blacksmith, 25 years old	3,000
18.	André, creole, field hand, 60 years old	800
19.	Julien, cooper, 58 years old	1,200
20.	Adolphe Petit, stable boy, 17 years old	1,000
21.	Charles, stable boy, 16 years old	1,000
22.	Severin, stable boy, 15 years old	900
		32,300

Women:

1.	Rose, 24 years old	1,000
2.	Nonne, 23 years old	1,000
3.	Elizabeth, 32 years old	1,000
4.	Joséphine, 31 years old	1,000
5.	Aimée, 21 years old	1,000
6.	Félicie, 21 years old	1,000
7.	Laurenza, 19 years old	1,000
8.	Solidaire, seamstress, 23 years old	1,200
9.	Coralie, 40 years old	800
10.	Zubette, 43 years old	800
11.	Charlotte, 45 years old	800
12.	Célestine, 16 years old	1,000
13.	Suzanne, 45 years old	800
14.	Céleste, 63 years old	700
15.	Divine, 67 years old	700
16.	Caroline, 35 years old	700
17.	Méranthe, 40 years old	600
18.	Henriette, 18 years old	1,000
19.	Victorine, 16 years old	1,000
20.	Angéle, 10 years old	600
21.	Joséphine, 15 years old	600
22.	Adéle, 16 years old	600
23.	Henriette, mulatto, 18 years old	700
24.	Elise, 16 years old	600
25.	Lisa, 17 years old	700
26.	Marie, 13 years old	600
27.	Suzanne, 17 years old	700
28.	Elizabeth, 16 years old	700
29.	Marguerite, 20 years old	700
30.	Charlotte, 20 years old	700
		56,600

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Children:	
1. Joseph, 9 years old	$600
2. Aristide, 7 years old	600
3. Eugène, 9 years old	500
4. Michel, 10 years old	600
5. Albert, 5 years old	500
6. Victorine, 6 years old	600
7. Modeste, 6 years old	600
8. Justine, 6 years old	600
9. Félicie, 5 years old	500
10. Joseph, 6 years old	600
11. Désirée, 8 years old	700
12. Elisabeth, 3 years old	300
13. Frank, 7 years old	700
14. Gédéon, 4 years old	400
15. Térence, 16 months old	200
16. Justin, 1 year old	100
17. Estelle, 11 months old	100
18. Joséphine, 5 months old	100
19. Julien, 10 years old	600
20. Virgile, 1 month old	100
	65,600
Miscellaneous:	
One horse for cabriolet, a trotter	500
Two common horses, at $200	400
Nine mules, at $225	2,025
One barouche	300
Three carriages, at $125	375
Harness of mules	100
Provisions, wines, liquors, &c	500
Two boxes of shoes	250
Body and other linen	250
Gold watch, jewelry, gold spectacles, &c	500
	70,800
Loss of crop, estimated at	18,000
Grand total	88,800

Eighty-eight thousand eight hundred dollars.

A true copy:

FAUCONNET, *Manager of the Consulate.*

Mr. Seward to Mr. Mercier.

DEPARTMENT OF STATE,
Washington, November 8, 1862.

SIR: I have the honor to acknowledge the reception of your excellency's note of the 6th instant, in which you present the claim of Mr. François Bougére against the government of the United States, in the form in which it has been stated by him to Mr. Fauconnet, manager of the consulate of France at New Orleans. The statement of Mr. Bougére is of the following effect: That he is a native of France; that he has been an inhabitant of the State of Louisiana since 1819, and for some time, not definitely stated, has been domiciliated there, as a sugar planter, in the parish of St. Charles; that he has not lost his nationality of a Frenchman, and that he has never borne arms against the United States; that he was recently the owner of seventy-two negro slaves of various ages and distinct sexes, who were the increase of families which he had bought a long while prior to the year 1848; all of which slaves were upon his said plantation, together with horses, mules, carriages, linen, and family stores; that

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the aggregate value of these slaves and the articles of property thus described was seventy thousand eight hundred dollars. That on the 28th day of August last, a column of United States troops, under the command of Colonel Thomas and Captain Grout, took from him by force those seventy-two slaves, a list of which is given, and also the said articles of property, (an inventory of which is presented,) whereby the same were lost to him, and that this spoliation deprived him of the means of securing his present crop of corn, as well as his crop of cane, which would have yielded three hundred hogsheads of sugar and molasses. That the damages which resulted from this failure are equal to eighteen thousand dollars, which, added to the value of the slaves and property taken, makes an aggregate of eighty-eight thousand eight hundred dollars.

Mr. Bougére represents that he has made unsuccessful applications to the local authorities of the United States in Louisiana for redress of the grievances thus alleged. He therefore invokes the interposition of the imperial government.

The President is not unaffected by the misfortunes which Mr. Bougére has suffered, and he has, therefore, directed me to make a careful examination of the case, with a view to ascertain whether he has been in fact inoffensive in his relations to this government, and whether the losses he has sustained were occasioned by violence, injustice, severity, or even carelessness on the part of the military forces of the United States, so that redress, if justly due, shall be awarded.

In entering upon this examination, I could not but remark that Mr. Bougére's own representations of his attitude towards the government do not seem to me to fully justify the view of it which, upon different information, you have assumed. You state that his antecedents have been represented to you as excellent in all respects, and that he appears to have never departed from the strict neutrality which the Emperor's government has not ceased to recommend to its citizens under existing circumstances. In trusting to Mr. Bougére's statement, I observe that upon the point now in question he states only that he never lost his nationality as a French subject, nor bore arms against the United States. I need hardly point out to so just an observer as your excellency the fact that, besides bearing arms against the United States, there are other ways in which a man of wealth and influence can abet and support a treasonable insurrection. Even the chief of the revolutionary conspiracy, and every member of the cabals which are called his cabinet and congress, can probably safely assert that he has never borne arms against the United States. It may, nevertheless, be true that Mr. Bougére has preserved his neutrality in the present conflict, notwithstanding his own seeming reserve upon that subject; I will therefore cheerfully receive, upon that point, any more full and satisfactory information which you may be authorized now or hereafter to furnish. In the mean time, candor requires that I should inform you that even the very cautious and guarded statement which Mr. Bougére makes concerning his neutrality is distinctly contradicted by the military authorities at New Orleans. They represent that before the transaction, of which he complains, had occurred, he had been in the habit of meeting with a military band of insurgents, of which a nephew of his is a captain; that he assisted largely by voluntary contributions to equip that treasonable band, and that he voluntarily supplied them with rations sent from his own house; that he provided himself with a revolutionary uniform, saddle, and horse equipments, and had them in his possession and ready for use on his plantation when that transaction occurred.

Passing from the political character of the claimant to the details of the transaction complained of, I must call your attention to the very vague and unsatisfactory manner in which the facts are presented by Mr. Bougére. He contents himself with saying that a column of troops of the United States, commanded by Colonel Thomas and Captain Grout, of the 8th Vermont, took by force the slaves and property described, and forbears from giving any

account of the manner or circumstances of the alleged capture. This very general statement is unsupported by any testimony or evidence, nor is it even authenticated by the customary confirmation of his own oath.

I think you will at once perceive that there is a necessity for your referring the matter back to your consul for testimony of some kind, when I inform you that the fact of a forcible taking of the slaves and property is contradicted by the military authorities of the United States, who were engaged in the transaction. They report that the negroes (claimed as slaves) were not taken by force nor in any other way by the military column; but that, on the contrary, they left the plantation voluntarily; that a portion, understood to be over half of them, had even so left and abandoned the plantation before the expedition in that direction was made; and that of the remaining half, a portion left in the same voluntary manner, taking advantage of the expedition, some of them going off before the column as it advanced, and others following behind it as it proceeded; that the expedition returned during a night and a day, and that other negroes, supposed to be slaves then, followed it on its return; and that all this was done not only without any command or direction given by the officer, but even without any interference made by himself or by any of the forces constituting the expedition. It is also stated by the military authorities that they received only one of the fugitive slaves in question, and that this particular slave was one who had escaped from the plantation before the expedition was made, was wounded by a musket-ball in the act of escape, and, therefore, sought refuge in the camp, and was there indulged with medical treatment.

The same authorities report that when the expedition had passed Mr. Bougére's house on its outward march, that person, who had been absent from the mansion, returned to it and then drove all his cattle and other stock back into the woods, and also drove the slaves who were then remaining on the plantation into his sugar-house; and that these slaves, taking advantage of the night, left the sugar-house and followed the expedition on its return to the camp.

The military authorities further report that they took two very poor horses from the plantation and used them to draw the guns, but that only one of them belonged to Mr. Bougére; and they allege that no other horses or other animals, nor any carriages or slaves, or other property, were taken from the plantation by the expeditionary force, either with or without the authority of the commander. They add, however, that some such property as is mentioned by Mr. Bougére was taken and used by the slaves in making their flight.

Having thus, with the utmost frankness, given to you the representations of the transaction communicated by the Secretary of War to this department, it remains only to say that I am instructed to receive and to give due weight to any corrections of those representations which Mr. Bougére shall be able to make, and that when the case shall thus have been fully developed, I shall apply to the President for instructions, with a view to a definite and, as I trust, a satisfactory reply.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

Mr. HENRY MERCIER, *&c., &c., &c.*

Mr. Seward to Mr. Mercier.

DEPARTMENT OF STATE,
Washington, November 10, 1862.

SIR: I have attentively read your excellency's note of the 6th instant.

Thus far, only two persons who have claimed exemption from the military draft on the ground of their being French subjects have been presented to this department, and both of them were discharged promptly and without delay.

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This is a complex government, consisting of State governments, within their sphere independent of the federal government; the federal government, in its sphere, independent of the State governments. Collisions between them cannot be prevented by executive action. They must, however, be reconciled when they have occurred. The government calls on the States to furnish troops by draft of the militia. The States determine for themselves who constitute the militia, and they make the draft. They respectively provide for ascertaining who are liable to the draft and who are exempt from it, and they have State commissioners to hear, try, and determine such cases. Those commissioners render accounts of their doings to the governors of the States, and act with entire independence of the federal government, and are in no way responsible to them. If the governor of a State errs, and subjects to military duty a person who is entitled to exemption on the ground of alienage, a question is thus raised between the United States and the nation which is entitled to protect the complainant. This department then receives and promptly and effectually decides the case. It would indeed be very agreeable to communicate in advance to representatives of the foreign powers the principles upon which the department would proceed in such cases. But, on the other hand, it must be allowed there are few subjects more productive of conflicting legislation and adjudication than that of alienage. It seems, therefore, to be prudent to refrain from anticipating merely what speculative questions involve, and to confine the action of the government to those cases which, being practically brought before it, must necessarily receive its solution. In the hope that these explanations will be satisfactory to your excellency, I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD.

Mr. HENRY MERCIER, *&c., &c., &c.*

Mr. Mercier to Mr. Seward.

[Translation]

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, November 14, 1862.

SIR: I have received the note which your excellency has done me the honor to address to me on the 3d of this month, in answer to the communication of the legation of the Emperor, dated the 29th of August, and I have given a careful examination to the report of General Butler in relation to the complaints of Messrs. Rochereau & Co., Jeannet, Quertier & Co., bankers, and Levvis & Co., merchants of New Orleans, against the fine which had been imposed upon them by the General Order No. 55, of the one-fourth of the amount of their subscription to the loan issued by the committee called that of public safety, and guaranteed by the city.

I deem it my duty to bring, without delay, this affair to the knowledge of the government of the Emperor; but, while asking its instructions, I would attach the greatest value (consideration) in being able to announce to it that the federal government has, in its justice, taken the necessary measures in order that the French residents, who are actually subjected in New Orleans to a system (rule) of exception, may have an efficacious security, under the form of a legal recourse, against acts similar to those upon which I have already so often had occasion to call the attention of your excellency.

It has never been my intention to endeavor to shield from a legitimate penalty those of my countrymen who might have incurred it by failing in their duties to neutrality, but these duties, however well defined theoretically they may be, may receive in practice different interpretations: thus, for example, I could

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not admit that the sale of merchandise, or that the subscription to a loan, issued by a municipal authority in the regular discharge of its duties, could *prima facie* be considered as acts of hostility against a government, because the merchandise honestly sold, or the sums innocently subscribed, shall have been, at a later period, employed for a culpable purpose. While supposing that acts of this nature should be sufficient to rouse the suspicions of a military commandant placed in difficult circumstances, they could not, in equity, involve a condemnation, except after having undergone the examination of a judicial authority.

It does not belong to me to characterize the rule (law) which General Butler has thought proper to impose to (upon) the city of New Orleans, but it suffices to prove that that rule admits of charge of accusation; that it encourages them even on the part of slaves; that it imputes crime to family or private relations, as it appears from the papers which your excellency has done me the honor to communicate to me; that it recognizes in the military authority the right of deciding *proprio motú*, and without appeal, upon penalties such as imprisonment, confiscation, and hard labor. It suffices, I say, to prove these facts, in order to show the necessity of finding some guarantee which shall place neutrals under shelter of the abuses which they may enchain; and I cannot doubt that your excellency, after the numerous evidences which you have given me of your liberal intentions in reference to (towards) foreigners, will consent to provoke (dictate) some measure which may answer to the wishes which my government would not fail to express under like circumstances.

I seize this opportunity, sir, to renew to your excellency the assurances of my high consideration.

HENRI MERCIER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Mercier to Mr Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, November 15, 1862.

SIR: I have received the letter which your excellency has done me the honor to address to me under date of the 8th of this month, in answer to my communication of the 6th, in relation to the events which had caused the complaint and demand for indemnity by Mr. François Bougére. I have written without delay to New Orleans to ask for more circumstantial information, both with respect to the facts in themselves, as upon the antecedents and the position of Mr. Bougére, and I hope soon to be enabled to remove the preventions which may exist against that Frenchman, while again soliciting in his behalf the just and liberal interposition of the government of the United States.

Be pleased to accept, sir, the renewed assurances of my high consideration.

HENRI MERCIER.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Mercier.

DEPARTMENT OF STATE,
Washington, December 16, 1862.

SIR: Referring to my note of the 10th instant, relative to the imprisonment of the Messrs. Lemore, alleged French subjects, residing at New Orleans, I now

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have the honor to inform you that, by a letter of the 12th instant from the War Department, I learn that General Butler has been instructed to remit the punishment of the ball and chain and hard labor, to which they had been subjected.

Accept, sir, a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Mr. HENRY MERCIER, *&c., &c., &c.*

Mr. Mercier to Mr. Seward.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, January 5, 1863.

SIR: In acknowledging the receipt, under date of the 15th of last November, of your excellency's note dated the eighth of the same month, in relation to the reclamation of Mr. François Bougére, I informed you that I would take prompt measures for obtaining at New Orleans a more detailed information, both with respect to the facts which had caused the complaint of that Frenchman, and his previous conduct and the position he had held from the commencement of the war. I have now the honor to enclose to your excellency another memorial which Mr. Bougére has sent to the Emperor's consul at New Orleans, and which will meet, I trust, all the objections contained in your note of the 15th November.

I again call the benevolent and just attention of the government of the United States to this matter.

I embrace this occasion, sir, to renew to your excellency the assurances of my high consideration.

HENRI MERCIER.

[Translation.]

NEW ORLEANS, *December* 8, 1862.

To the Consul of France, at New Orleans:

SIR: I have had the honor of being informed of the reply which the honorable the Secretary of State of the United States has given to the ambassador of France, respecting the reclamation which I addressed to you seeking an indemnity for the losses which the military authorities of the United States in Louisiana have caused me.

His excellency the ambassador, in order to comply with the wishes of the honorable the Secretary of State of the United States, asks that I should furnish him with more full information.

First. With respect to the conduct I have observed towards the United States.

Second. Upon the facts in themselves upon which my reclamation is based, with the recommendation to avoid every exaggeration, and only to base my reclamation upon facts, the irrefutable proof of which can be adduced.

I shall endeavor to satisfy at one and the same time both the ambassador and the Secretary of State of the United States, that my conduct towards the United States has been that of the most complete neutrality, and that there is nothing in my reclamation which is in the least degree exaggerated, and which is not much below the losses which I have suffered through the action of the military authorities in Louisiana.

I am now sixty-six years of age. I arrived in Louisiana in 1819, some forty-three years ago. My vocation has been that of a merchant, and I have always had the intention (*animus*) of returning to France. It was only from circumstances brought about by the course of business that I became a sugar planter, and with a view of saving the means I had acquired, always with the hope of returning to my native country whenever favorable opportunities should enable me to realize my pecuniary means, disseminated through several parishes in Louisiana.

My course of conduct is well known. Every one knows that, during my long residence in Louisiana, I have never taken part in any political question, and that I have never troubled myself about municipal, public, parochial, or political matters. This fact is so well known and so indubitable, that I do not think it possible to find in Louisiana a single

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person to contradict it. I appeal thereon to all those who have known me, and to all the French agents for New Orleans, if ever they have, during more than forty-three years, heard my name mentioned as being connected, either closely or remotely, directly or indirectly, with any political association whatever. I was thus living, occupied in my own individual affairs, when the political troubles and secession broke out in Louisiana. It is not at my age, (over sixty-six,) Mr. Consul, that people change their principles and their manner of life. I was thus continuing my style of life, keeping off with care all occasions of discussing political affairs, and living in the most retired manner, sometimes upon my plantation, and at others in New Orleans. This inflexible rule of neutrality had for its unfortunate effect the bringing upon myself the suspicions, the annoyances, and the persecutions of the partisans of secession, which persecutions were seriously felt by me some days prior even to the fatal military expedition which caused me so many losses. In fact, I was threatened by the partisans of the south, who accused me of serving the cause of the federals, and who, after having invaded my domicile and having helped themselves to whatever suited them in my house, threatened me with setting it on fire, or otherwise to fire upon the steamers of the United States, and thus to cause the destruction of my property by the gunboats which pass on the Mississippi in front of my plantation.

The number of negroes in the parish of St. Charles, where I reside, as well as in the neighboring parishes, exceeds by far the number of whites, as everybody knows. During these times of civil dissensions much uneasiness was created with reference to the police of the slaves, and apprehensions of servile outbreaks were felt, in consequence of which, patrols were organized, and as I resided upon the spot, I was obliged sometimes to act with them, notwithstanding my advanced age, and my love for seclusion and retirement. On the arrival of the federals at New Orleans I ceased entirely to perform this service.

I assure you, Mr. Consul, that I have never in my life done anything which could cause me to lose the protection of the French government, to which I have ever laid claim, and which I have never renounced; for I hold as much to my character of a Frenchman as to my very existence. It is with a feeling of pain and regret that I have seen myself misrepresented to the honorable the Secretary of State of the United States, as having espoused a cause opposed to the United States, held cabals with insurgent bands, supplied them with rations, means, and equipments, for their insurrection against the United States.

Be pleased, Mr. Consul, to assure the French authorities that these accusations are false and malicious, and that to disprove them it is only necessary to question all those who know me, and who have been enabled to form an opinion of me during my long career in this country.

I shall add to this letter, Mr. Consul, if it be necessary, the attestations of several respectable persons, which will fully satisfy you as to the sentiments which I may have manifested, and as to the conduct which I have always observed towards the United States, and in which there has been nothing hostile towards them.

Referring now to the facts which are the cause of my reclamation, I remark that the honorable Secretary of State makes the objection that the allegations of my claim are vague, and not entirely correct, and that they are not supported either by my oath or by any other testimony.

With regard to the oath this is an erroneous assertion, for I have had the honor of being sworn by you, Mr. Consul, and my oath attesting the truth of my reclamation will be found at the conclusion of the petition which I have addressed to you. As to the reproach of the want of correctness in the allegations of my petition, I humbly refer you to my petitions and I beg you to consider whether it is possible to state with more clearness that the troop, of the United States have taken my slaves from me, and the property therein enumerated, and have caused me the damage, the reparation of which I now claim; but as the report made to the honorable Secretary of State contains many minute details, it becomes necessary to examine these minute details in order to demonstrate their want of correctness.

The honorable Secretary of State says that, agreeably to the report made to the War Department by the military authorities, the troops did not forcibly take from me any slaves; that my slaves voluntarily followed the expedition; that one-half of my slaves had already abandoned my plantation before the arrival of the expedition; that the expedition did not give any command, any order, any advice, to take my negroes from me, and that no one of the expedition has contributed to their being taken from me; that their flight was a voluntary one on the part of the slaves; that the troops of the United States received and gave an asylum to but one of my negroes, (wounded by a musket ball,) and that they only received him for the purpose of affording him medical treatment; that I came and drove my cattle in the woods, and that I placed my slaves in my sugar-house, whence they escaped to join the expedition; that they only took two poor horses upon my plantation, only one of which belonged to me, and that they did not take anything else, neither provisions nor other effects, and that if I have suffered losses, my negroes were those who took from me the effects which I am short of. Permit me, Mr. Consul, to assure you that all these assertions

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are incorrect. When the military expedition arrived at my house there was, at the same time, a gunboat anchored opposite my house, which is upon the river bank. A boat containing eight men, six white men and two negroes, pushed off from the gunboat, and came opposite to my house. The men landed; came into my house; they forced the locks of my cellar, and of my wardrobes, and ransacked my house; they carried off my wines, liquors, brandy, provisions, &c., &c., smashing the champagne and liquor bottles, carrying off the cases of wine and many other effects. After the seamen came the soldiers, who pillaged, stole, and ransacked everything there was in my house; they respected nothing; they took everything; my pants, my clothing, shirts, coats, family pictures, and all they could carry off; even my watch, my eye glass, my pencil case and gold spectacles; they went into my kitchen, into my garden, into my poultry-yard, and they laid violent hands upon everything they found, like real vandals

The troops of the United States took my negroes from me by force, and came with that intention. I so attest it upon my honor.

I must state that, as I do not speak English, they treated me like the inhabitants, citizens of the United States, my neighbors, whom they have subjected to the same treatment; for it is thus that the troops of the United States have behaved towards the rebel citizens in my vicinity. The troops only stopped at my house but to subject me to the punishment which they had inflicted upon the reputed rebel inhabitants in my neighborhood.

My negroes have always been, and are still, at the camp of the United States troops. I have seen several of them, who have assured me that they had been compelled to leave my plantation, under threats to their lives made by soldiers of the United States. I claimed them. The military refused them to me, telling me that the United States needed them to arm and make soldiers of them. It is true that four or five of my slaves had gone off as runaways some time prior to the arrival of the troops of the United States I have included them in my claim, because, in my soul and conscience, I am convinced that they have been compelled to quit me by the manœuvres and menaces of the soldiers (military) of the United States.

I drove into the woods a portion of my cattle, which I was enabled to save, but that does not signify that the troops of the United States did not take from me what I claim, and when I speak of the troops of the United States there is no error in my mind. I state that all that I claim was taken from me by white soldiers, Americans, both officers and soldiers. My negroes have taken nothing from me; the military took everything, and have compelled my negroes to follow them.

With respect to the negro wounded by a musket ball, and taken up by the federals, he had been a runaway for some time previous to the expedition, and at a time when the discipline, according to the laws of Louisiana, was in force throughout the parish. This negro, having been arrested and questioned some miles distant from my plantation, according to the information given me, refused to surrender himself, and attempted to resist and attack the person who wanted to arrest him, and who fired upon him with a shot-gun while defending himself against him. The negro succeeded in escaping, and took refuge in the camp of the troops of the United States. When I learned that it was my manager who had fired upon the negro, I rebuked him for so doing. He justified himself by telling me that he had done so in self-defence; but notwithstanding his explanations, I further rebuked him, and dismissed him and took another manager, a Frenchman like myself, who was upon my plantation when my property was invaded, and whose declaration I will send you should it be necessary.

The troops of the United States took three horses from me, one of which cost me four hundred dollars, and for which I refused six hundred dollars, another two hundred dollars, and the third one belonging to one of my friends, to whom I am responsible therefor. I can add, for the support of my statements, the depositions of many respectable persons.

You will be satisfied, (convinced,) Mr. Consul, that my reclamation is true; that the losses I have suffered are true, and sustained by proofs; and that, far from being exaggerated, the indemnity which I claim but very indifferently and imperfectly covers the injury I have experienced.

Accept, Mr. Consul, the assurance of my gratitude for the protection which you have been pleased to extend to me during these times of misfortune and ruin.

I have the honor to be your very obedient servant,

FRANÇOIS BOUGÈRE.

Mr. François Bougère declares, under the oath which he has regularly (duly) taken before us, the truth of the facts above stated, and protests in the most solemn manner against all or any one it may concern, and especially against the government of the United States, for all costs, damages, and interests, for the losses which he has sustained, and which he estimates at the sum of eighty-eight thousand eight hundred dollars.

And of the said depositions and protests he having asked of us a copy, we have granted

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the same unto him, which he has again signed after the reading thereof, on this 8th day of December, 1862.

FRANÇOIS BOUGÈRE.

A true copy:

FAUCONNET,
The Chancellor of the Consulate.

[SEAL OF CONSULATE.]

COUNT MEJAN, *Consul.*

Mr. Mercier to Mr. Seward.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, January 17, 1863.

SIR: Your excellency, in replying, on the 3d of November, 1862, to a communication from this legation, under date of the 29th of August of the same year, in reference to the fine which had been imposed by order No. 55, issued by General Butler, upon Messrs. Rochereau & Co., Jeannet, Questier & Co., and Levvis, French subjects, and in communicating to me the extracts from a report which General Butler had addressed upon the same subject to the War Department, did me the honor to say to me that, upon a cursory examination of that report, you had been disposed to consider the claimants as having lost all right to being treated as unoffending neutrals by taking an active part in the civil war having for its aim the overthrow of the government of the United States. Your excellency was pleased also to inform me at the same time, while recommending to my attention the report of General Butler, that the government of the United States would await a new expression of the views of the Emperor's legation upon the affair under consideration before making a definite reply to the note of the 29th of August.

With respect to the legality itself of the act which the Frenchmen above mentioned have had to suffer, I have already had occasion to express to your excellency, through a note under date of the 14th November, how desirable it would be that the federal government should adopt the necessary measures, that the Frenchmen who were subjected at New Orleans to an exceptional form of government should have an efficient guarantee, in the shape of a legal recourse, against the arbitrary proceedings of an authority which seemed without any control; and your excellency informed me, confidentially, in a note dated the 18th November, that a judge had been designated to go to New Orleans, with the necessary powers to inquire into, without delay, all the reclamations which might arise in that city.

This determination of the federal government cannot, doubtless, fail to produce results calculated to satisfy us; but, in the meanwhile, I have made efforts to enable me to reply to the various allegations which tend to bring (raise) suspicions upon the neutrality of our countrymen, and I take the liberty to submit to your excellency the following suggestions:

At the time of the organization of the militia in the State of Louisiana, previous to the occupation of New Orleans by the federal forces, the foreigners were included therein, notwithstanding the protests of their agents, and particularly that of the Emperor's consul. The only thing that could be obtained was that, when formed into special corps, they should not be compelled to go beyond the limits of the city, in which they would only serve as a police. It was upon these conditions that Mr. Rochereau was elected colonel by the members of the French legion, and not as having been appointed by the governor of Louisiana.

The governor having repeatedly offered arms to the legion, the latter, having been cautioned by the consul of France, and understanding fully the difference

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which exists between the service in a city guard and an active service which might compromit it both towards the government of the United States and that of the Emperor, always refused to receive them. Besides, the foreign corps only did service during the week which elapsed between the arrival of the fleet and that of the federal forces, and they have contributed materially to rescue the city from the sacking with which it was threatened; this is a fact which has been acknowledged by Admiral Farragut and by General Butler himself. By proving the extent to which the action of Mr. Rochereau was confined, at the time he was the colonel of a foreign corps, it is clear that the accusation brought against him falls of itself to the ground; neither can it be more fully sustained against Messrs. Jeannet, Questier & Co., one of whose clerks was serving in the legion under the same conditions as Mr. Rochereau; and with respect to the secret sympathies for the southern cause which are charged to the house of Mr. Levvis, it will be enough to state that Mr. Levvis, now concerned in this case, has left New Orleans some fourteen years since, and is, since that period, established in Paris.

Finally, it is shown that the Messieurs Rochereau, as well as the Messieurs Jeannet, Questier & Co., have not subscribed to the loan for their own account, but, on the contrary, for their employers, residing in France. Their action is justified by this fact, that they had received important (large) sums for these employers, at a period when the transmission of the funds to France was out of the question, owing to the blockade, and in view of the enormous loss by exchange, which had fallen to two francs and eighty centimes to the dollar.

The collections had been naturally made in confederate bills, (notes,) and the mandatories could not think of keeping these values when they were threatened daily with a new depreciation; it was, therefore, as natural as legitimate to place (invest) them in the most advantageous manner. This is what these gentlemen thought they were doing by purchasing, from second hands and through brokers, bonds issued by the municipality of New Orleans, acting in virtue of regular powers, and without troubling themselves about the intended use of the loan, which, moreover, was never put to that to which it had been intentionally destined.

Therefore, and after having collected with respect to the neutrality of my fellow-countrymen the most satisfactory information, I again come to ask from the even-handed justice of the government of the United States the restitution of the sums the payment of which has been imposed by General Butler, by way of a fine, upon unoffending neutrals. A solution of this affair is the more pressing, since General Butler has, by a new order, under date of the 9th December, 1862, imposed upon the same persons, to the same effect and for the same reasons, a fine equal to that imposed once before—that is to say, of the one-fourth of their subscription to the loan, which now amounts to the one-half of it. I need scarcely call your excellency's attention to the character of this new measure, and I am confident that the government of the United States will render justice therein, as in the first one.

The copy of the letter, enclosed herewith, addressed to General Butler by a Frenchman residing in Paris, whose funds were deposited in the house of Mr. Questier, and upon which a fine of $1,250 was imposed, and which the new order will raise to $2,500, will serve to demonstrate to your excellency the iniquitous and deplorable effects of a measure the legality of which could not be maintained even in principle.

I embrace this occasion, sir, to renew to your excellency the assurances of my high consideration.

HENRI MERCIER.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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Mr. Seward to Mr. Mercier.

DEPARTMENT OF STATE,
Washington, February 24, 1863.

SIR: I have carefully considered the communication of Charles Heidsick, which you have placed in my hands, and given, also, as I trust, due weight to the representations which you have submitted to me upon the subject in question. I have also made inquiry of the military authorities who were concerned in the transaction at New Orleans, of which Mr. Heidsick complains. But I am unable to announce a change, on my part, of the convictions I have heretofore expressed to you concerning his case.

I learn that when New Orleans was recovered from the insurgents and brought into military occupation by the national forces, that city had a large quantity of flour, bought, paid for, and stored at Mobile, and the municipal authorities of New Orleans desired permission to have the flour brought to the city for the benefit of the inhabitants threatened with famine. The commanding general, Major General Butler, assented to this proposition, and a general order was made, to the effect that a steamboat might pass from Mobile to New Orleans, for the purpose of bringing the flour to the latter place, but upon the express consideration that no passengers should be allowed upon the steamer except Mr. Greenwood, the agent of the city government of New Orleans. The steamer Dick Keys was used, and after she had made three voyages, she was put into the insurgent service, and the Natchez was substituted for the transportation of the flour from Mobile to New Orleans. About the end of June, 1862, the major general discovered that contraband commodities were carried by means of this steamer between the insurgents at Mobile and New Orleans, respectively.

Charles Heidsick was domiciled at Mobile, and became there a tender or waiter at the bar-room of the truce boat Dick Keys, on her trip from that city to New Orleans. The military authorities at New Orleans understood that he obtained this place through a feigned sickness of the incumbent of it. Mr. Heidsick's position in society was that of a gentleman and merchant, selling wines, not in one country alone, but extensively in Europe, as well as in America. The simple fact of his descending to an occupation so obscure and humble as that of a bar-keeper on a mere freight boat, was calculated to draw down suspicion upon him from the necessarily vigilant military authorities. He virtually confesses this; for he answers that his purpose in taking upon himself the occupation was, to get letters to his address which he understood were lying in the French consulate at New Orleans. This confession is accompanied with the statement that he wished to obtain from the occupation the profits which could be derived from selling his wines, these profits being rendered important to him by a reverse of his pecuniary affairs. But, certainly, Major General Butler could be expected to know nothing of these compound motives or objects of Mr. Heidsick. He could only know Mr. Heidsick as he appeared to the public view. But Mr. Heidsick says that his name was fully registered, and was reported to the military authorities without objection being made. This is true; but what reason had Major General Butler, when he saw the name of Charles Heidsick as servant on board the Dick Keys, to identify him with Charles Heidsick of the renowned champagne vineyards in France? Again, it is admitted that Mr. Heidsick pursued his humble occupation on board of the boat after he had obtained or might have obtained his letters, although one voyage ought to have sufficed for that purpose. Major General Butler seems to have been warranted in suspecting that the object of selling wines, when it was avowed, was a pretence, for, without explanation, it is unreasonable to suppose that the crew of so pitiful a steamer as the Dick Keys would buy enough champagne of the bar tender to indemnify him for his time and expenses in selling it to them. Nor does it

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seem to have been altogether unreasonable on the part of Major General Butler to regard with suspicion the coincidence of the same Charles Heidsick being a bar-keeper not only on the Dick Keys when she was plying between Mobile and New Orleans, and his being found exercising exactly the same occupation on the Natchez, when that vessel replaced the Dick Keys in the same trade.

Ultimately, however, the Natchez was found coming again to New Orleans, and then Mr. Charles Heidsick, now in the character of a bearer of despatches. He ceased to be a bar-tender when the intelligence boat ceased to ply, by Major General Butler's permission, between Mobile and New Orleans. On his coming to New Orleans in his new character, he was arrested on the suspicion of his being a spy. His explanations were not satisfactory. He was committed to Fort Jackson, which was at that time the only military prison in the department of Major General Butler. The French consul at New Orleans presented Heidsick's case to you, and you represented the same to me. Major General Butler reported upon it to the Secretary of War, and that report was submitted to me. The interference of this department for the release of Heidsick on a specific parole caused his discharge from confinement in lieu of his being tried by the proper tribunal as a spy, with whatever of hazards might have attended that proceeding. Having received his discharge upon that condition, his complaint that he has had no trial does not seem to me to be a reasonable one. Upon a careful review of the case, I am obliged to conclude that the privations of which Mr. Heidsick complains were drawn down upon himself by conduct and proceedings which were imprudent, even if not dangerous, and in intended violation of the military rules and regulations established at New Orleans. Nor can his complaint that he was not allowed an examination or trial be allowed. It is understood by this government from the military authorities at New Orleans that he would have been proceeded against and tried by competent authority upon the charge of being a spy. He did not wait the public convenience in that respect, but appealed through the intervention of his government, and his release was conceded upon the ground of comity and good will towards France, irrespectively of the merits of the complaints which were pending against Mr. Heidsick. He having thus been discharged, and having left the military department where the transaction occurred, it is now altogether too late to bring him to trial upon the complaint on which he was originally confined.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. HENRY MERCIER, &c., &c., &c.

Mr. Seward to Mr. Mercier.

DEPARTMENT OF STATE,
Washington, March 5, 1863.

SIR: This department has received a further report from the military authorities at New Orleans relative to the complaint of Messrs. Rochereau & Co. presented by you. From this report it appears that William B. Hepp, a citizen of the United States, is a special partner of that house, and prior to first of October last took the oath of allegiance. The fund to which the firm were subscribers was notoriously designed to defend the city of New Orleans against the United States, and the subscription was voluntary on their part.

It having become indispensable, in the opinion of the commanding general at that city, to levy a tax to save the poor there from starvation, it was deemed equitable to apportion the share of Messrs. Rochereau & Co. with reference to

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their subscription adverted to, especially as the persons for whom the relief was designed were, for the most part, the wives, children, and other dependents of insurgents in arms against the United States.

The first instalment exacted amounted to five thousand dollars. No other has since been paid.

The right of General Butler to make the exaction under the circumstances is believed to be clear in itself, and in accordance with precedents in other countries, especially in Europe. It is not to be understood, however, that the claim of Messrs. Rochereau & Company to restitution of that part of the sum exacted, in which Mr. Hepp, as a member of the firm, is not interested, is definitively denied. That question must be reserved for further consideration.

I have the honor to be, sir, your very obedient servant,

WILLIAM H. SEWARD.

Mr. HENRY MERCIER, *&c., &c., &c.*

Mr. Mercier to Mr. Seward.

[Translation.]

LEGATION OF FRANCE IN UNITED STATES,
Washington, March 7, 1863.

SIR: I have received the note your excellency has done me the honor to address to me, of to-day's date, as well as the copy of the letter and of the order of General Shepley, relative to the appointment of a commission of inquiry, which shall be charged with ascertaining the facts which have caused the complaint of Mr. Bougére.

In thanking your excellency for this communication, I take the liberty again to say to you that an investigation conducted under such conditions seems to me the best means of arriving at the truth of the facts, and, consequently, at an equitable settlement of claims, and I shall regard with great satisfaction all those my countrymen have to make, worthy of submission henceforth to a like test.

Accept, sir, the assurance of my very high consideration.

HENRI MERCIER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Drouyn de l'Huys to Mr. Mercier.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS, POLITICAL DIVISION,
Paris, April 23, 1863.

SIR: Events in Poland have awakened pre-occupations common to all the cabinets.

Whether in fact the strife which has burst out be looked upon from the standpoint of humanity, or from that of political interests, it must fix the solicitude of the powers. The disturbances which are periodically renewed attest the permanence of difficulties which time has not smoothed away, and demonstrated once again the dangers they involve. Alike involved with these considerations, the courts of France, of England, and of Austria, have opened conferences with the view of presenting in concert to the cabinet of St. Petersburgh the reflections which this state of things suggests; and they have at once agreed to address to their representatives near his Majesty the Emperor Alexander, despatches which they have simultaneously remitted to the Russian government.

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You will find herewith a copy of our communication. Those of England and Austria are conceived in the same sense.

In preparing this document our aim has been to make ourselves as much as possible the faithful interpreters of general opinion. We have refrained from every order of ideas which had been peculiar to us; we have not offered any observation which the other courts could not appropriate as theirs. We believe, therefore, that we have reason to hope that the views developed by the Emperor's government will obtain the assent of all the cabinets, and that they will voluntarily support the manifestation near the court of St. Petersburgh.

I request you, therefore, to give a reading of the present despatch to Mr. Seward, and leaving at the same time in his hands a copy of that which I send you annexed. We call for the official adhesion of the different governments, and we like to be persuaded that they will willingly defer to the wish which we express to them, either by addressing to the court of Russia a communication similar to ours, or by presenting to it analogous considerations. The good relations which exist between the government of the United States and the court of Russia cannot but give greater weight to counsels presented in a friendly form; and we rely entirely on the cabinet of Washington to appreciate the measure in which it will be able most satisfactorily to open its views to the Russian government.

Accept, sir, the assurance of my high consideration.

DROUYN DE L'HUYS.

Mr. Mercier,
Minister of the Emperor at Washington.

The Minister for Foreign Affairs to the Duke of Montebello, ambassador of France at St. Petersburgh.

Duke: The insurrection of which the kingdom of Poland is at this moment the theatre has awakened in Europe lively preoccupations in the midst of a repose which no near event seemed likely to disturb. The deplorable effusion of blood of which this strife is the occasion, and the melancholy incidents which characterize it, excite at the same time an emotion as general as it is profound.

The government of his Majesty obeys, therefore, a duty in expressing to the court of Russia the reflection which this state of things is of a nature to suggest, and in calling its solicitude to the inconvenience and the delays which it draws along with it.

That which characterizes the agitations of Poland, Mons. le Duc, which causes their exceptional importance, is that they are not the results of a passing crisis. Effects which are reproduced, almost invariably, in each generation, cannot be attributed to causes purely accidental. Convulsions that are become periodical are symptoms of an inveterate disease; they attest the powerlessness of the combinations thus far imagined to reconcile Poland to the situation made for it. On the other hand, these too frequent perturbations are, every time they break out, a subject of uneasiness and alarm. Poland, which occupies a central position on the continent, cannot be agitated without the various States situated in the neighborhood of its frontiers suffering an agitation the recoil of which makes itself felt throughout Europe. This has happened at every epoch when the Poles have resorted to arms. These conflicts, as may be judged by that of which we are at this moment witnesses, have not only as their consequence the excitements of mind in a disquieting manner; in their prolongation they disturb the relations of cabinets, and provoke the most regretable complications. It is the common interest of all powers to see definitively set aside dangers which are constantly reviving.

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We like to hope, Mons. le Duc, that the court of Russia will receive, in the feeling which has dictated them to us, considerations so worthy of its attention. It will prove itself to be animated, we trust, by liberal dispositions, of which the reign of his Majesty the Emperor Alexander has already given such striking testimonials, and will recognize, in its wisdom, the opportunity to devise means for placing Poland in conditions of lasting peace.

You will please to remit a copy of this despatch to his excellency the Prince Gortschakoff.

Accept, &c.,

DROUYN DE L'HUYS.

Mr. Seward to Mr. Mercier.

DEPARTMENT OF STATE,
Washington, June 24, 1863.

SIR: I do myself the honor to enclose the original of a report, bearing date the 8th instant, from General G. F. Shepley, military governor of Louisiana, upon the case of François Bougére, a Frenchman, which case has heretofore been a subject of correspondence between this department and the legation of France. After you shall have examined the report adverted to, I will thank you to return it, with any observations in regard to it which may have occurred to you.

I avail myself of the occasion, sir, to offer to you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Mr. HENRY MERCIER, *&c., &c., &c.*

General Shepley to Mr. Seward.

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, June 8, 1863.

SIR: I have the honor herewith to transmit a report of Hon. Bion Bradbury, the commissioner appointed by me to take testimony in relation to the claim presented by his excellency Henri Mercier, minister plenipotentiary of his Majesty the Emperor of the French, in behalf of François Bougére, of the State of Louisiana.

The testimony, taken in writing by the commissioner, accompanies his report.

I beg leave to add, as the result of careful inquiry that I have personally made into the circumstances of this claim, that the claim of Mr. Bougére, if not wholly groundless, is most grossly exaggerated, and that his losses, if any, have been trivial, and persons living in the vicinity of his plantation speak of him as having taken an active part in the rebellion, as having aided in raising and equipping an artillery company for the rebel service, and as having heretofore acted and voted as a citizen of Louisiana.

The delay in making this report has been unavoidable in consequence of the absence of witnesses engaged in active operations in the field

With great respect, I have the honor to be your obedient servant,

G. F. SHEPLEY,
Military Governor of Louisiana.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Special Order No. 35.

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, February 18, 1863.

Hon. Bion Bradbury is hereby appointed a commissioner to take testimony in relation to the complaint of François Bougére, a French subject, of alleged spoliations of his property by the military and naval forces of the United States.

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He will summon before him all officers in command of the expedition, and take their testimony, and that of any other persons who can afford any evidence which will substantiate the facts in the case. He will also notify the consul of his Majesty the Emperor of France that he will receive and record, for transmission to the State Department at Washington, any testimony he may desire to produce to substantiate the statements of Monsieur François Bougère.

The object of this commission is to furnish for the information of the honorable the Secretary of the State Department an accurate report of the exact facts in this case, and he will take such testimony under oath as may be necessary to do this, and report the testimony itself, with his conclusions thereon, to this department.

By order of Brigadier General G. F. SHEPLEY,
Military Governor of Louisiana.

JAMES F. MILLER,
Assistant Adjutant General.

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Affidavit of Colonel Stephen Thomas.

I, Stephen Thomas, colonel of the eighth regiment of Vermont volunteers, on oath depose and say, that I left my camp at Algiers on the morning of the 28th of August, A. D. 1862, having under my command two companies of my regiment, a section of artillery, and one company of Massachusetts cavalry, commanded by Lieutenant Perkins, for the purpose of proceeding into the interior to drive off guerillas, and for forage. I encamped the first night of my departure at St. Charles court-house, about four miles below the residence of François Bougère. I passed over his plantation between 8 and 9 o'clock of the morning of the 29th of August, and having completed the object of the expedition, we passed, on our return, over the same ground, at about 3 o'clock in the afternoon of the same day, and arrived at the St. Charles court-house just before sunset. I halted there for refreshment, and threw out my pickets both above and below my command, with orders that no soldier should be permitted to go beyond the lines. As soon as refreshed, my command resumed its march, and continued to march all night, arriving at Algiers about 10 o'clock the next day, (August 30.) I did not see François Bougère at all. We met many negroes on foot and in carts, as we went up, apparently starting for the American lines. As we returned the negroes began to follow after us, and at daylight on the 30th of August we found a large number of them in our rear. Neither myself, my officers, nor my men, so far as I know, or have reason to believe, seized or carried away any of the property of said Bougère, except two ordinary horses, nor did any of my command endeavor, in any way, to induce the negroes of said Bougère to desert their master and go with us. I have no reason to suppose that any of my soldiers or officers entered the house of the said Bougère at all, either in going up or returning.

Subsequently, my attention was called to the fact that the said Bougère had preferred a claim upon the government of the United States for damages sustained by him, in consequence of spoliations committed by my command upon his plantation, and had a conversation with him upon the subject, through an interpreter. This was in the early part of December, A. D. 1862. In that conversation he informed me that about half of his negroes had left him prior to the date of my expedition; that the remainder of his negroes and his property, with the exception of three horses, were on his plantation as late as the evening of the day that my command passed over it, but that during the night the negroes broke out, and that in the morning he found negroes, mules, carts, and carriages gone; that when I went over his plantation, on my way up, he was on the rear of it, with nearly all his negroes; that on my return none of my soldiers entered his house. I am satisfied that none of my command could have returned to the said Bougère's plantation after they had passed over it in the afternoon, on their return to Algiers.

I feel certain that no wines, jewelry, clothing, or provisions could have been taken by my men.

There was no gunboat attached to my command; nor was there any gunboat, to my knowledge, lying at or near his plantation on the day that I passed over it. And I may say that I am confident there was no gunboat which loaded there during that day.

STEPHEN THOMAS.

Subscribed and sworn to before—

BION BRADBURY, *Commissioner.*

—

Affidavit of Major Grout.

I, Luman M. Grout, major of the eighth regiment of Vermont volunteers, on oath depose and say: that I had the command of one of the companies of the eighth Vermont regiment on the expedition under Colonel Stephen Thomas, on the days of the 28th, 29th,

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and 30th of August, A. D. 1862; that I have carefully read the deposition of Colonel Thomas, and can state that the history of said expedition, and of the conduct of the men in reference to François Bougere, as therein given, is correct and true.

LUMAN M. GROUT.
Major 8th Vermont Volunteers.

Subscribed and sworn to before me.

BION BRADBURY, *Commissioner.*

—

Affidavit of Captain Foster.

I, Henry E. Foster, captain of a company in the 8th regiment of Vermont volunteers, on oath depose and say: that I had the command of one of the companies of the 8th Vermont regiment on the expedition under Colonel Stephen Thomas, on the days of the 28th, 29th, and 30th of August, A. D. 1862: that I have carefully read the deposition of Colonel Thomas, and am able to state that the history of said expedition, and of the conduct of the officers and men in reference to François Bougére, as therein given, is correct and true.

H. E. FOSTER,
Captain Company C, 8th Vermont Volunteers.

Subscribed and sworn to before me.

BION BRADBURY, *Commissioner.*

—

Affidavit of Napoleon Patwin.

I, Napoleon Patwin, a private in company C, of the 8th regiment of Vermont volunteers, on oath depose and say: that I write and speak both the English and French languages; that early in the month of December, A. D. 1862, I acted as an interpreter of a conversation between Colonel Stephen Thomas, of the 8th regiment of Vermont volunteers, and François Bougére, of the parish of St. Charles, in the State of Louisiana. In that conversation said Bougére told Colonel Thomas that on the evening of the day that his (Thomas's) command passed over the said Bougére's plantation his property and most of his slaves were on the plantation; that during the night the slaves broke through the gate and went off, taking his mules, carts, and his carriage; that he thought his jewelry was carried away by the captain of a steamboat; that he had his wines after Colonel Thomas had left; that he had three horses taken, but one of the horses did not belong to him; that he was on the rear of his plantation, with the most of his negroes, when Colonel Thomas went up; and that he drove his cattle back towards the woods to save them I belonged to one of the companies under Colonel Thomas's command, and went with him on the expedition of the last of August, A. D. 1862, and can state that, according to my best knowledge and belief, neither officers nor soldiers entered the house of said Bougére, or took away any property, except the two horses referred to, or endeavored to entice away his negroes.

NAPOLEON PATWIN.

Subscribed and sworn to before me.

BION BRADBURY, *Commissioner.*

—

Affidavit of Solon A. Perkins

I, Solon A. Perkins, 1st lieutenant commanding the 3d unattached company of Massachusetts cavalry, on oath depose and say: that I had command of the cavalry attached to the command of Colonel Stephen Thomas on the expedition of Colonel Thomas on the days of the 28th, 29th, and 30th of August, A. D. 1862; that I have carefully read the deposition of Colonel Thomas, and am able to state that the history of said expedition, and of the conduct of the officers and men in reference to François Bougére and his property, is correct and true.

SOLON A. PERKINS,
1st Lieut. Com'dg 3d unattached company Massachusetts Cavalry.

Subscribed and sworn to before me.

BION BRADBURY, *Commissioner.*

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Mr. Bradbury to Brigadier General Shepley.

NEW ORLEANS, *May* 9, 1863.

SIR: Having been appointed by your special order, issued on the 10th of February last, a commissioner to take testimony in relation to the complaint of François Bougére, a French subject, of alleged spoliations of his property by the military and naval forces of the United States, and to report the testimony and my conclusions thereon, I respectfully submit the following report:

On the 21st of February last I delivered to Monsieur Fauconnet, acting consul of France at New Orleans, a copy of the order, and informed him in writing that, in accordance with that order, I was ready to receive and record for transmission to the State Department at Washington any testimony he might desire to produce to substantiate the statements of Monsieur Bougére touching his complaint of alleged spoliations of his property by the military and naval forces of the United States; and on the 28th of the same month I received from Monsieur Fauconnet a note transmitting a duplicate of a communication made to him by yourself, as military governor of the State, both of which will accompany this report.

Having ascertained that the officers who had command of the expedition alleged to have committed the spoliation of the property of Monsieur Bougére were stationed at Brasher city, I proceeded to that post and took the depositions of Colonel Stephen Thomas, Major Luman M. Grout, Captain Henry E. Foster, Lieutenant Solon A. Perkins, and Private Napoleon Patwin, which I herewith hand you. Colonel Thomas commanded the expedition, and was accompanied by all the others whose testimony has been taken.

On the 13th of March following I addressed a note to Monsieur Bougére, to the care of Monsieur Fauconnet, in which I informed him that in stating the grounds of his claim against the United States government, he had declared that a portion of his property had been taken or destroyed by the crew of a gunboat anchored in the Mississippi river, opposite to his house, and requested him to give me any information that he might have as to the name of this gunboat, in order that I might take the testimony of the officers and men; to which inquiry I have received no reply.

I have made every effort to discover the name of the gunboat above referred to, but without success The testimony of Colonel Thomas is to the effect that there was no gunboat lying in the river, near the plantation of Monsieur Bougére, on the day he passed by it with his command. Neither the acting French consul nor Monsieur Bougére have presented any witnesses to me for examination, or offered any evidence for transmission to Washington. Having no power to compel the attendance of *unwilling* witnesses, I have gathered such further facts as I could by careful inquiry of reliable persons in this city and in the neighborhood of Monsieur Bougére.

From these inquiries, I have arrived at the conclusion that the statements of fact made by the military authorities upon the former investigation of this subject, as contained in the communication made to you by the Department of State, under date of January 29, 1863, though not entirely accurate, are substantially correct.

With great respect, I am, sir, your obedient servant,

BION. BRADBURY.

Brigadier General G F. SHEPLEY,
Military Governor of Louisiana.

Mr. Seward to Mr. Mercier.

DEPARTMENT OF STATE,
Washington, June 30, 1863.

SIR: With reference to the several claims which you have from time to time presented on behalf of French subjects, complaining of injuries to their persons or property by authorities of this government, it is proper to remind you that the occurrence of such cases has not been anticipated by Congress, which has, therefore, made no provision for their examination or satisfaction. It is deemed quite probable, however, that at the opening of the next session the President will invite the attention of Congress to the subject, and will recommend such legislation as may be necessary towards securing justice to any parties who may have been aggrieved.

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This end, however, might have been reached as surely, and perhaps more speedily, by the convention which I have had the honor to propose to the Emperor's government, to which proposition a definitive answer has not yet been received.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

WILLIAM H. SEWARD.

Mr. HENRY MERCIER, *&c., &c., &c.*

Mr. Drouyn de l'Huys to Mr. Mercier.

[Translation.]

No. 20.] MINISTRY OF FOREIGN AFFAIRS, DIPLOMATIC BUREAU,
Paris, August 20, 1863.

SIR: I have received the despatches which you have done me the honor to write to me, up to No. 161.

In one of the late sittings of the Parliament, Lord Palmerston, on being formally questioned by Mr. Cobden in regard to maritime armaments going on at Liverpool, spoke of a plated vessel which was said to have been ordered of an English builder, Mr. Laird, by the Emperor's government. On his part the minister of the United States at Paris concerned himself about the construction of this vessel, which he supposed to be intended for the confederate government. Mr. Dayton requested of me information in this regard, and the consul of the United States at Liverpool made a similar application to Mr. Lenglet, our consul in that city. The assertion of the first lord of the treasury rested on an incorrect report. No order of this kind has been made in England on account of the Emperor's government, and the following are the only facts which could have occasioned the involuntary error of Lord Palmerston. At the beginning of the month of July a Frenchman named Bravay, calling himself a partner in the house of Bravay & Co., of Paris, went with Mr. Laird, the builder at Birkenhead, to the office of the chancellor of our consulate at Liverpool, and asked what were the formalities to be complied with in order to give the French flag to a plated vessel which was about to be built. The information was furnished, and Mr. Bravay announced that he would subsequently be in a posture to prove the French ownership of the vessel. Shortly afterwards, Mr. Laird having learned that the consul of the United States at Liverpool was trying to have the newly constructed vessel seized, came and asked Mr. Lenglet to make unofficial [officieuse] application at the custom-house. Our consul limited himself to making known the circumstances of this affair to the head of that branch of service, but without making any formal demand, which, however, he neither had the right nor was in a posture to do. After that Mr. Bravay went no more to the office of the chancellor, nor has he yet addressed to the office of customs of the empire any request with a view of obtaining French nationality for the vessel in question.

Such, sir, are the explanations which I have already given to Mr. Dayton, and which I deem it my duty to communicate to you, in order that you may, if you are called on to do so, on your part, enlighten the cabinet at Washington as to the true character of this incident.

Accept, sir, assurances of my high consideration.

DROUYN DE L'HUYS.

Mr. MERCIER,
Minister of the Emperor at Washington.

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Mr. Drouyn de l'Huys to Mr. Mercier.

[Translation.]

No. 21.] MINISTRY OF FOREIGN AFFAIRS, DIPLOMATIC DIVISION,
Paris, September 15, 1863.

SIR: Mr. Dayton, who exhibits in his relations with me a great confidence, and a rectitude to which I am pleased to bear testimony, has been moved at certain rumors, propagated with a design which I have not now to inquire into, but which appear lately to have obtained some credit at Paris, and he has come to converse with me about them. According to these reports, too inconsiderately accepted, the Emperor's government has decided to recognize the States of the south, and a treaty has even been already signed, according to which the new confederacy is to cede to France, either for herself, or that she may make a retrocession of them to Mexico, Texas, and a portion of Louisiana.

At the moment in which Mr. Dayton was imparting to me this information, I was exactly in a position to offer him information for information, and, before answering the questions which he addressed me, I asked him if, among the alarming symptoms for the maintenance of the good relations of the two countries, he had not, like myself, received other news, likewise diffused in public, such as, for instance, the transmission by him to me of a protest from his government against our expedition to Mexico and its consequences; the conclusion of an alliance, offensive and defensive, between the United States and Russia; the appearance of a federal fleet before Vera Cruz, &c., &c.

In regard to the protest, after remarking to me that I, better than any one else, knew that he had not transmitted to me any, Mr. Dayton said to me that, under the promptings of the general tenor of the correspondence of Mr. Seward, and of the knowledge which he himself had of the inclinations of his fellow-citizens, he had been able to speak to me of the painful impression produced on public opinion in his country by the preponderant intervention of a European power in an American republic, and by the creation of a monarchical establishment in a country adjacent to the United States; but that from that to a protest, or to any intention whatever of comminatory intermeddling, was very far, and that nothing in his instructions authorized him to overleap that distance. He knew nothing, on the other hand, of the alleged alliance of his government with Russia, and he had every reason to disbelieve it. As to the presence of a federal fleet before Vera Cruz, this news did not seem to him even to merit the honor of a contradiction.

I told Mr. Dayton that I had never attached any importance to the reports which I had pointed out to him, and that, in speaking to him of them, my object was much less to call forth explanations on his part, than to warn him against rumors of a different character; but having probably the same origin of which he had spoken to me, I could, however, contradict them categorically. In regard to the recognition of the States of the south, the intentions of the Emperor's government were known to him, and this question was still at the point where our late conversations had left it. We had not, therefore, recognized the south, and, much more, we had not signed with it any treaty for the cession of Louisiana and Texas. With respect to this, I could repeat to him, what I had so often said to him already, that we neither sought for ourselves, nor for others, any acquisition in America. I added that I trusted that the good sense of the people of the United States would do justice to exaggerations and false suppositions, by the aid of which it was endeavored to mislead and sour public opinion; and that I relied on his co-operation in trying to render prevalent a more equitable appreciation of our intentions and of the necessities which our policy obeyed.

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I have thought, sir, that it was well that you should be informed of the particulars of this conversation, in order that you might, on your part, communicate it to Mr Seward, and receive the precise words of it, in order to rectify around you false opinions and unjustifiable anticipations.

Accept, sir, assurances of my high consideration.

DROUYN DE L'HUYS.

Mr. MERCIER,
Minister of the Emperor at Washington, D. C.

Viscount Treilhard to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, September 17, 1863.

SIR: The minister of the Emperor has called the attention of your excellency, by a note of the date of August 14, to the correspondence which was just exchanged between the administration of the consulate of France at New Orleans and the quartermaster general of the department of the Gulf, about the carrying into execution of the Order No. 105, directed against the subscribers to the loan opened by the municipality of New Orleans. A recent communication from Mr. Fauconnet apprises me that Major General Banks has thrown off, on the 7th of August, an order requiring immediate payment on the part of all persons who fall under the blow of the penalty, and notably from certain French houses, which are designated by name.

Without wishing to enter here upon a fresh discussion of the ground even of this affair, or to recall arguments previously put forward by the legation of the Emperor against a measure by which inoffensive neutrals find themselves struck, and all whose rights to ultimate reimbursement remain, moreover, reserved, I shall content myself with asking from your excellency whether, in the actual condition of things, and in consideration even of eventual reservations, mentioned in the note of the 25th of March, of this year, in favor of foreign interests, so seriously compromised, the government of the United States would not judge fit to suspend all ulterior action until the time when it shall have been decided by authority competent and designated *ad hoc*, as to the lawfulness of a measure the arbitrary character of which could not be misunderstood.

Please accept the renewed assurances of my high consideration.

For the minister and the first secretary of legation,

TREILHARD.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Viscount Treilhard.

DEPARTMENT OF STATE,
Washington, September 29, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 17th instant, relative to the tax imposed upon certain French subjects at New Orleans, by General Butler, on account of their having subscribed to a loan to the corporation of that city, while it was in the possession of the insurgents, and to state that the propriety of discontinuing the tax has been submitted to the consideration of the Secretary of War.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The VISCOUNT TREILHARD, *&c., &c., &c.*

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RUSSIA.

Mr. Taylor to Mr. Seward.

[Extracts.]

No. 16.] LEGATION OF THE UNITED STATES,
St. Petersburgh, October 29, 1862.

SIR: I have the honor to report to you that, immediately after the receipt of your despatch No. 14, of September 26, I applied for an interview with Prince Gortchacow, for the purpose of delivering into his hands the letter of his excellency the President to his Imperial Majesty Alexander II. My request was at once granted, and an early hour the next day was appointed; but the Prince having in the mean time been summoned to the town of Gatschina, some thirty miles from here, to confer with the Emperor, the interview was postponed until to-day.

After having received the President's letter, which he promised to present to his Imperial Majesty without delay, the Prince entered upon a conversation concerning American affairs, which I deem so important that I hasten to report it, while his expressions are yet fresh in my mind, and can be communicated to you with the greatest possible exactness.

He commenced by stating, in the strongest terms, his concern at the course which events are taking in the United States. "Your situation," said he, "is getting worse and worse. The chances of preserving the Union are growing more and more desperate. Can nothing be done to stop this dreadful war? Can you find no basis of arrangement before your strength is so exhausted that you must lose, for many years to come, your position in the world?" I answered, that the critical period in the fortunes of the war seemed now to be passed; our arms were again victorious, and, could the military strength of the rebellion be once fairly broken, it would be almost impossible for it to maintain itself longer. "It is not that alone," said he, "but the fury that seems to possess both sides—the growth of enmities which are making the gulf continually wider between the two sections. The hope of their reunion is growing less and less, and I wish you to impress upon your government that the separation, which I fear must come, will be considered by Russia as one of the greatest possible misfortunes."

"To loyal Americans," I answered, "separation seems nothing less than national ruin, and precisely for this reason, there can be no negotiations at present with the rebel authorities. They would listen to no terms which did not include separation, and hence the war is still a terrible necessity. I have hopes, however, that a change may occur before the term of grace allowed by the President's proclamation expires. Have you noticed that the State of North Carolina is already taking some action on the subject?

"Yes," said he, "I have seen it * * * * *

Russia alone has stood by you from the first, and will continue to stand by you. We are very, *very* anxious that some means should be adopted—that any course should be pursued which will prevent the division that now seems inevitable. One separation will be followed by another; you will break into fragments."

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"We feel this," I replied. "The northern and southern States cannot peaceably exist side by side as separate republics. There is nothing the American people desire so much as peace; but peace on the basis of separation is equivalent to continual war. We have only just called the whole strength of the nation into action. We believe the struggle now commencing will be final, and we cannot without disgrace and ruin accept the only terms upon which the rebels would treat until our strength has been tried and has failed."

"You know the sentiments of Russia," the Prince exclaimed with great earnestness. "We desire, above all things, the maintenance of the American Union as one indivisible nation. We cannot take any part more than we have done. We have no hostility to the southern people. Russia has declared her position and will maintain it. There will be proposals for intervention. We believe that intervention could do no good at present. Proposals will be made to Russia to join in some plan of interference. She will refuse any invitation of the kind. Russia will occupy the same ground as at the beginning of the struggle. You may rely upon it, she will not change. But we entreat you to settle the difficulty. I cannot express to you how profound an anxiety we feel—how serious are our fears."

We were standing face to face during the conversation, and the earnest, impassioned manner of the Prince impressed me with the fact that he was speaking from his heart. At the close of the interview he seized my hand, gave it a strong pressure, and exclaimed, "God bless you!" I felt that any further declaration of the grounds for encouragement which I see in the course of events at home would be useless. His excellency had evidently been disappointed in his hopes from the representations heretofore made to him. I thanked him for his frankness, and for the renewed declaration of the attitude of Russia. I had purposely abstained, in former interviews, from referring to current rumors of intervention in which Russia was to be invited to take part, because any such reference might have implied a doubt in the permanence of her friendship. The spontaneous expression of Prince Gortchacow in regard to the subject is thus all the more satisfactory.

I fixed in my memory at the time, and have reproduced, almost word for word, the conversation that occurred between us. I judged it prudent to enter into no discussion concerning the impressions which the Prince has derived from recent events. His manner convinced me that he desired his words to be reported, and I was, therefore, anxious that he should express himself as fully as possible, with no more interruption on my part than was necessary in order to justify the government of the United States.

The proclamation of the President, which I forwarded to Prince Gortchacow as soon as it arrived, was translated and published the next day in the "Journal de St. Petersburgh," together with your circular which accompanied it. Since then the same paper which preserved a complete silence on American affairs during the period of our reverses has contained several pungent paragraphs in the interests of the Union. The "Journal" of yesterday, for instance, has the following: "As to the democratic meeting which has been held in New York, for the purpose of condemning the emancipation proclamation of Mr. Lincoln, and declaring that the republicans violate the Constitution, it will suffice to give a just measure of the value of this demonstration, to recall the fact that before the war commenced the friends of slavery in the United States were designated by the name of 'democrats,' while that of 'republicans' was given to the adversaries of the *peculiar institution*."

The proclamation has not excited much surprise at this court. So far as I have been able to ascertain the impression which it has produced among intelligent Europeans, it is considered a justifiable measure. Some doubts have been expressed in the diplomatic circle here whether it can be enforced without a military occupation, which would insure submission in any case, but the general

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feeling is favorable to the step. Among the Americans whom I have met, those who formerly belonged to the "Breckinridge" wing of the democratic party have been strongest in their expressions of satisfaction.

I shall do my best to promote the confidence of our friends, which term includes all Russians, and a large proportion of the foreign residents here, although painfully conscious that arguments and representations, however just and telling, are beginning to lose much of their force. I am waiting in the most anxious expectation to be strengthened by deeds. The conversation recorded above is, in some respects, a type of much in which I must take a daily part. Speculations concerning the future are no longer received. Apparent inaction is considered almost equivalent to defeat. And even that better knowledge of an American, which supports his own hope and confidence, is partly neutralized by the disappointments of this year. For my part, I can scarcely doubt the issue without doubting the justice of God; but I am forced to encounter a feeling in others which my own confidence cannot overcome.

I have also to announce a change in the ministry, which may have some bearing on the interests of American citizens in Russia. A letter of the Emperor was published on Sunday last, allowing General Chefkin to retire from his post as chief director of the ways of communication. He is succeeded by General Melnikoff, of the engineers, a man of distinguished talents and acquirements, who has travelled in the United States, and is said to be anxious to enlist American enterprise in the great system of railroad communication which the imperial government has planned. As Mr. Collins's project of telegraphic connexion has been referred to this department, I anticipate a much more speedy and favorable report upon it than could have been expected during the direction of General Chefkin. The change which has been rumored for a month past has, no doubt, delayed action upon the subject; but I hope soon to be able to announce to you its acceptance by the imperial government.

I have the honor to be, with the highest respect, your obedient servant,

BAYARD TAYLOR,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Taylor to Mr. Seward.

No. 18.] LEGATION OF THE UNITED STATES,
St. Petersburgh, November 11, 1862.

SIR: The announcement of the London Morning Post, and La Patrie, of Paris, that France has submitted to England and Russia a proposal for intervention in American affairs reached here yesterday. After my conversation with Prince Gortchacow, communicated to you in my despatch of the 29th ultimo, (No. 16,) I was not unprepared for the news. Although the action of Russia had been declared in advance, I determined to call upon the Prince in the hope of obtaining some details of the proposition. He was just leaving the foreign office, on his way to attend the imperial council, when I called, but assured me that he desired to have an interview with me in relation to the subject. As his communications cannot fail to be important, and I desire to forward them to you by the next mail, I have to-day written to him, asking that the interview be granted within the next three days.

The Journal de St. Petersbourg, of this morning, contains a leading article on the proposed interference. Although Prince Gortchacow has assured me that it was not written at his dictation, the official character of the journal in which

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it appears will cause it to be accepted throughout Europe as having emanated from the imperial cabinet. I therefore subjoin a translation, as follows:

"We are ignorant of the precise terms in which the proposition of France has been made, but we persist in believing it very improbable that one power, or several European powers combined, should otherwise than by way of counsel intervene in the struggle which divides the States of the American Union. From the very commencement of the war Russia caused her voice to be heard, amicably pleading for peace and conciliation. She would assuredly not refuse, at present, to unite with two other powers in urging these views in the sense in which she has already spoken. But the question whether the belligerents will be disposed to receive the counsel thus offered to them remains intact. At a period when the policy of non-intervention in the internal affairs of states is more widely preached and practiced in Europe than it ever was before, there would be, it seems, something at least unusual in the fact of the European powers crossing the ocean on the strength of the opposite principle. The intelligence and the sentiment of humanity would rejoice if Russia, France, and England should make use of their legitimate influence in America to favor the return of peace and concord upon a soil ravaged by bloody combats; but if this kindly and entirely amicable intervention should take a form which might, in any degree, resemble an act of authority, it would be an event the consequences of which would become disastrous to the peace of the world, and we prefer to believe that the wisdom of the governments will preserve us from the fatal complications it would bring after it.

"We have not the intention of examining, incidentally, from the point of view of international right, whether a European intervention in the affairs of the United States could be legally justified. We consider that whatever may be the misfortunes of which North America is at present the theatre, the foreign powers have no right to impose their mediation upon the country. The war between the partisans who support the federal compact, and the secessionists who seek to destroy it, cruel as it is, does not trouble the internal security of any European nation; and if it injures certain of their commercial interests; if it moves the pity of civilization for its victims, it nevertheless does not compromise the existence or the safety of any people in the Old World. Europe would thus have no right in seeking to impose a mediation on the American belligerents. The powers would thus not only place the policy which they have adopted in one hemisphere in contradiction with that which they wish to practice in the other, but they would also lack prudence, *(habilete;)* for it is beyond doubt that a mediation which should be thrust uninvited upon America would so profoundly wound the susceptibilities of the population between whom it attempted to intervene, that there would be, perhaps, more cause to dread manifestations against European action, than there is now to deplore the actual struggle.

"For the sake of the good reputation, both for ability and for respect of rights, of the powers mentioned in the announcement of the *Morning Post* and *La Patrie*, we earnestly hope that their action towards the American belligerents will be prudent, wise, and reserved, such as that of the cabinet of St. Petersburgh has been, (if we may be permitted to recall it,) since the commencement of the struggle. Such action would, moreover, become the more efficacious in proportion to its calmness, and to the difficulty which the parties concerned would have to find a pretext for seeing in it the evidence of a manifestation of mercantile interests, or the pride of the military power of European states.

"Intervention is one of the most delicate political acts which a power can ever be called upon to exercise. The reserve which Europe has thus far exhibited in regard to the great American question allows us to hope that the honor and the advantages of a past course, so prudent and so loyal, will not be compromised by a movement in favor of those who so ardently plead their

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injured interests, but that an intelligent foresight of the results will dissuade from such a step. In order that the European powers may have some chance of rationally proving to the belligerent parties that reconciliation is the best solution, they must first prove that it is the love of peace, the fervor of sentiments of humanity and civilization, which alone inspires them, directing them to measures of sympathy, whence all ideas of supremacy are excluded, and which are made with a profound respect for the independence and the liberty of the States of the American Union."

I have the honor to be, with the highest respect, your obedient servant,

BAYARD TAYLOR,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Taylor to Mr. Seward.

[Extracts.]

No. 19.] LEGATION OF THE UNITED STATES,
St. Petersburgh, November 12, 1862.

SIR: I hasten to communicate to you the information promised in my despatch of yesterday. I have just returned from an interview with Prince Gortchacow, who, with the generous frankness which has hitherto characterized his intercourse with me, has placed me in possession of all the facts of which it is necessary that the government of the United States should be informed.

I first asked him whether the proposition of France, announced in the journals of Paris and London, had actually been made to the imperial government. He replied in the affirmative. I then asked whether he was willing to communicate to me its exact terms. He answered in French, apparently quoting the words of the official communication:

"A conjunctive proposition on the part of France, Russia, and England, to the belligerent parties in America, to agree to an armistice of six months." He further informed me that the proposal was to be considered by the English cabinet on the 11th, (yesterday.)

I stated to the Prince that the declarations of Russia had heretofore been sufficiently frank and explicit; that we could rely upon her action in the matter as that of a friend, and whatever it might be, the government of the United States was assured in advance of the friendly consideration which would inspire it. I judged it necessary to add, however, that the moment was ill chosen for the presentation of such a proposal. After a campaign, the unsatisfactory character of which I could not deny, and the non-fulfilment of promises which ought never to have been made, the prospect of the suppression of the rebellion was now decidedly encouraging. The government was aware of the necessity of the most speedy and vigorous action; three hundred thousand men had been added to our army within the last two months, and the new iron-clad vessels, probably afloat by this time, would, I hope, soon enable us to dispense with the blockade, by putting us in possession of all the southern ports.

The Prince assured me, in reply, that the action of Russia would be governed entirely, as heretofore, by the most friendly feelings toward the United States. He would take no step which could not receive that interpretation. He then offered to read to me his instructions to M. de Stoeckl in regard to the proposed action of the three powers. After stating the proposition, the despatch refers to the position which Russia has occupied since the commencement of the struggle, repeats her desire for a settlement by conciliatory measures, and expresses her

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willingness to tender her good offices in a way that shall be acceptable, and that shall seem to promise a good result.

* * * * * * * *

The despatch having been rapidly read, and in a foreign language, I do not pretend to give you the precise words, but I am sure of having reproduced the material substance of it. Its prevailing tone was a delicate and friendly consideration of the views of the government of the United States.

"There," said Prince Gortchacow, when the reading was finished, "now you know the worst, so far as Russia is concerned." I considered myself justified in assuring him that there was nothing in his instructions to M. de Stoeckl to which the government of the United States could take exception, for it would interpret every act of Russia in the light of her motives. An assurance of this kind seemed to me necessary in return for his frankness. I then retired.

I should do the government ill service by disguising the truth that the European powers most friendly to it are at last becoming impatient. The failure of two campaigns is the prominent fact in their eyes; the important advantages which have been gained are overlooked. Nearly all the news which is received comes distorted through English and French channels. The correspondents of the London journals, in particular, continually give currency to malicious falsehoods, the absence of which in American newspapers they pretend to account for by a tyrannical censorship. These statements, copied throughout the continent, and persistently repeated, are beginning to produce their natural effect; to which is added the prestige of apparent success, to a certain extent, on the part of the rebel government. There is a universal sympathy, independent of the principles at stake, with success against odds, and this sympathy is beginning to tell, not only against the government of the United States, but against the wisdom of its friends.

What Russia evidently fears at present is the ultimate exhaustion of the two sections of the Union, which will leave them either divided or reunited, helpless to resist the encroachments of hostile powers. The political equilibrium which she sees in the maintenance of the Union in its original strength would thus be destroyed. No news could be more welcome to her than that which should indicate the speedy overthrow of the rebellion, but a struggle protracted much longer seems to her not less unfortunate than immediate separation.

I believe this to be a strictly correct statement of the predominant feeling of the imperial government. My duty terminates in communicating it, for the possibility of its existence and the course which it suggests have undoubtedly been foreseen by the President and by yourself.

I have the honor to be, with the highest respect, your obedient servant,

BAYARD TAYLOR,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Taylor to Mr. Seward.

No. 20.] LEGATION OF THE UNITED STATES,
St. Petersburgh, November 15, 1862.

SIR: The Journal de St. Petersbourg, of to-day, publishes the despatch of Prince Gortchacow to M. d'Oubil, chargé d'affaires of Russia at Paris, in reply to that of M. Drouyn de l'Huys to the Duke de Montebello, French ambassador at this court. As the despatch refers particularly to the instructions which have been given to M. de Stoeckl, I herewith translate it as an affirmation and a completion of the oral report contained in my despatch of the 12th instant, No. 19:

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"ST. PETERSBURGH, *October* 27, (*November* 8,) 1862.

"SIR: I transmit to you herewith a copy of a despatch of M. Drouyn de l'Huys, which the Duke de Montebello has been charged to communicate to us. It concerns the affairs of North America, and its object is to invite us to join in an understanding with France and England, in order to profit by the existing lassitude of the parties to propose in common a suspension of hostilities.

"In reply to this overture, I have reminded the ambassador of France of the solicitude which our august master has not ceased to bestow on the American conflict since the moment when it broke out, a solicitude inspired by the amicable relations which exist between the two countries, and of which the imperial cabinet has given public evidence. I have assured him that nothing would better correspond with our desires than to be able to hasten the termination of a struggle which we deplore, and that, in this sense, our minister at Washington is instructed to seize all favorable occasions to recommend moderation and conciliation in order to allay the opposing passions, and lead the struggling interests to a wise solution. I have recognized that these counsels would certainly have more value if they were presented simultaneously, and under the same amicable forms, by the great powers which are interested in the issue of the conflict.

"But I have added, that, in our opinion, it was necessary before all things to avoid the appearance of any pressure whatever of a nature to wound the public sentiment of the United States, and to excite susceptibilities which are ready to be aroused at the mere idea of foreign intervention. Now, according to the information which we possess at present, we are led to believe that a combined movement of France, England, and Russia, however conciliatory it might be, and with whatsoever precautions it might be surrounded, if it came with an official and collective character, would incur the risk of bringing about a result opposed to the pacificatory end which the three courts desire.

"We have, therefore, concluded, that if the French government persists in judging that a formal and collective movement is advisable, and if the cabinet of London should partake that opinion, it would be impossible for us at this distance to foresee the reception which such a movement would be likely to meet. But if in this case our minister does not officially participate in it, his moral support is not less assured in advance to every attempt at conciliation.

In lending such support to his colleagues of France and England, under the semi-official form which he may believe best adapted to avoid the appearance of pressure, M. de Stoeckl will simply continue the attitude and the language which, by order of our august master, he must not cease to observe since the origin of the American dispute.

"It is in this sense that I desire you to express yourself to the minister of foreign affairs of France, in reply to the communication which he has been pleased to make to us.

"Receive, &c.

"GORTCHACOW."

While I infer from the above that Russia would, to a certain extent, be inclined to take part in a movement which she foresaw to be inevitable on the part of England and France, rather than permit a coalition between those two powers from which she should be wholly excluded, the probable refusal of the English government announced to-day by telegraph relieves me from all apprehension of complications that might arise from the proposition. I stated to Prince Gortchacow, at our recent interview, my belief that England would not accede, and am very glad to find it so soon confirmed.

The day after the proposal of France was announced here, the Duke and Duchess de Montebello called at this legation, although a visit was not required by social etiquette. I interpreted the courtesy as an intimation that the ambassador wished to allay any suspicion of hostile sentiment on the part of France.

The continuance of small successes to the Union arms in all quarters, is very encouraging; and, if no important reverse occurs, I have hopes of soon being able to restore the shaken confidence in our final success.

I have the honor to be, with the highest respect, your obedient servant,

BAYARD TAYLOR,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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Mr. Taylor to Mr. Seward.

No. 21.] LEGATION OF THE UNITED STATES,
St. Petersburgh, November 28, 1862.

SIR: Judging that you may desire to have regular reports from this legation at the present time, I have the honor to transmit to you an account of all that has occurred in relation to American interests since my despatch of the 15th instant.

With regard to the project of intervention made by France, the impression here is that since the replies of Russia and England it has been temporarily suspended, but is not relinquished by that power. If a renewal of it at any time shall be made to this court, I am convinced that Prince Gortchacow, with the entire absence of reserve which has characterized all his intercourse with me, will inform me promptly of the fact. I have received a confidential communication from Mr. Dayton, giving me an account of his interview with M. Drouyn de l'Huys, and have in return transmitted to him a report of my own conversations with Prince Gortchacow. I have also forwarded a similar confidential despatch to Mr. Adams, as I judged it important that both he and Mr. Dayton should be officially informed of the sentiments of the imperial government. I trust that this proceeding will meet your approval.

Since my last despatch I have had no further personal intercourse with Prince Gortchacow, but I have prepared and sent to him a statement, drawn up with great care, of the present national debt of the United States; the estimated annual revenue under the new laws; the additions made to the active force of our armies during the last three months; the number of iron-clad vessels in process of construction; and the important movements already commenced in the west and on the sea-coast. This statement was forwarded with a private (unofficial) note, informing him that it was not intended as an indirect prediction of results, but as a simple exposition of facts, which would clearly show that an armistice at this time could only be of advantage to the rebellious States, and that no proposition of the kind could be entertained by the federal government. I am aware that, in this act, I may have exceeded the strict line of my duty, but I felt that some such presentation of the brighter aspects of our cause was necessary to strengthen the hopes and refresh the sympathies of the government most friendly to us.

I had a conversation yesterday with the ambassador of France, the Duke de Montebello, in which I expressed to him the same views concerning the proposed intervention of his government. He informed me that immediately after receiving the despatch of M. Drouyn de l'Huys he had called upon me, in order to communicate its contents to me, but had not found me at home. I infer from his expressions, both on this and other occasions, that his personal sympathies are in favor of the preservation of the Union. The only defence of the proposition which he offered was, that it was very carefully worded; did not betray a hostile spirit, and that an armistice need not necessarily include the raising of the blockade.

The British ambassador, Lord Napier, has been especially kind and cordial in his personal intercourse, but seems disposed to avoid any discussion of our national struggle, or the European propositions concerning it.

There are in Russia about 237,000 stand of arms which have been condemned, and offered for sale by the government. Eight or ten thousand of them have percussion locks and bayonets; but the remainder are flint-lock muskets, and carbines of an obsolete pattern, and may be had for 75 copeks (about 58 cents) apiece. A few days ago I discovered that an American here, well known for his treasonable sentiments, had been examining the specimens offered, with the expressed intention of making a large purchase. In the absence of any fund

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for detective service, I have been voluntarily assisted by two loyal American residents, who have been so successful in following up the transaction that no further steps can be taken without their knowledge. The arms are so worthless, however, that I do not anticipate their purchase.

The imperial court is at present in Moscow, where it will remain for the next three weeks. The internal condition of the empire is generally quiet and satisfactory. Since the promulgation of the plan of judicial reform, the increase in public confidence has been very remarkable. Count Pauin, who opposed its adoption, has been dismissed from the ministry.

I have the honor to be, with the highest respect, your obedient servant,

BAYARD TAYLOR,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Taylor.

No. 9.] DEPARTMENT OF STATE,
Washington, December 7, 1862.

SIR: I have to acknowledge the receipt of your despatches of November 11, (No. 18,) November 12, (No. 19,) and November 15, (No. 20.) These papers, in their order, open and clear up the subject of the action of Russia upon the proposition which was recently made to her and to Great Britain by France, for a joint appeal of all three of the powers to the United States. The consideration which they suggest has, however, already been anticipated in my previous instructions.

I have now only to renew the expression of the satisfaction of the President with the prudent, just, and friendly course pursued by the government of the Czar on that interesting occasion.

On reading your despatches I cannot avoid seeing that some exaggerations of our affairs, which attended the political canvass which has been recently held here, have been presented to Europe, even by friends of this country, as portentous facts, and have been influential in inducing the ill-judged proceeding of Mr. Drouyn de l'Huys, and investing it with an importance far beyond its merits.

All these exaggerations, having had in some measure their desired local and temporary success, have now passed away. Even those who, on either side, got them up in the heat of argument have forgotten them, and the whole country, with all the departments of the government, has become satisfied that the progress of the government in suppressing the insurrection is satisfactory. I am not disposed to judge foreign nations harshly for their want of confidence in the maintenance of the Union, since they are naturally misled by our own partisan excitements, the nature and character of which must be very imperfectly understood abroad.

I think that if the European statesman should undertake a survey of his own political hemisphere, he would hardly find a nation which, at this time, is more thoroughly convinced of its present safety and assured welfare than the United States. Our great expedition assigned to Major General Banks has moved towards its destination, and it will soon be heard from. Our forces are clearing the valley of the Mississippi. Another army is pressing the insurgents in Virginia. Our iron-clad fleet is growing with rapidity, and it will soon reduce the last remaining insurgent port. The principal part of Tennessee is restored. Elections are being held in portions of several of the insurrectionary

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States, which will restore in those regions the civil administration of the federal government.

A new year is thus likely to open with better auspices for the country than either of its predecessors, 1861 and 1862.

It is well to be watchful of intrigues abroad, and to guard, so far as is possible, against misapprehensions, much more against injurious policies on the part of foreign states; but, on the other hand, the country and the government require every one of its representatives to be assured, and at all times to be prepared to assure the state to which he is accredited, that any foreign power which thinks this people is ready to divide and destroy itself is mistaken, and that if any such state thinks that the Union can be destroyed by interference from any foreign quarter, this belief is even still more erroneous.

The President's message, and the reports of the Secretaries of the Treasury, War, and the Navy, will be very useful in enabling you to show to Prince Gortchacow the grounds of the public confidence in the stability of the Union, which I have endeavored to describe.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BAYARD TAYLOR, Esq., &c., &c., &c.

Mr. Taylor to Mr. Seward.

No. 22.] LEGATION OF THE UNITED STATES,
St. Petersburgh, December 17, 1862.

SIR: I have the honor to acknowledge the receipt of your despatches (Nos. 4, 5, and 6) of the 19th, 22d, and 24th of November, respectively. I need not assure you how welcome were their contents. By referring to my last despatch (No. 21, of November 28) you will understand how much the independent step I ventured in order to revive the confidence of the imperial government in our final success has been strengthened by your official declarations. I rejoice to be able to announce that my efforts have not been wholly unsuccessful, and I am sure that the help you have now furnished to me will be sufficient to restore that faith in their destiny which the United States expect from a friendly power.

Mr. Adams having communicated, in answer to my confidential letter, an encouraging statement of the present attitude of England, I took occasion, in an interview which I had with Prince Gortchacow last week, to read to him some portions of it. This led to a renewed conversation upon American affairs, and it was very soon evident to me that the anxiety which his excellency had manifested on previous occasions was beginning to subside. He still inquired, nevertheless, whether some arrangement with the insurgents which would put an end to the war was not possible. I replied that so long as their professed object was a division of the Union, the federal government could not even take the first step toward such an arrangement. "Would Russia," I asked, "welcome an immediate peace at the price of separation?" "No," he answered, after a moment's reflection; "but what terms would be accepted by the federal government?"

"Unconditional submission to the authority of the Constitution. Nothing more would be required, nothing less accepted," I replied.

"Would your people be satisfied with that?" the Prince again asked. "Would the government consent to suspend the emancipation of the slaves on the simple acknowledgment by the southerners of the federal authority?"

I assured him that the preservation of the Union was the one great and vital object which the government of the United States had in view. The decree of emancipation was intended solely as a weapon to defend the national life, and

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its employment or relinquishment depended on the rebels themselves. They knew, I added, that it would be dropped, with all its consequences, if they should now express a willingness to lay down their arms and trust to the magnanimity of the national government. The latter makes no formal proposition to them, for it is not necessary. The door is at all times open for their return.

This assurance seemed to give great satisfaction to the Prince. His tone became more moderate and hopeful. And I was thus enabled to repeat my statements of the improved aspects of the national cause, with the confidence that they would produce the desired effect.

The misstatements of the English press, and even in the United States of northern journals that are not heartily loyal, create impressions here which I am obliged continually to combat. The *Journal de St. Petersbourg* generally copies its *resumé* news from the *Courier des Etats Unis*, probably to save the trouble of translation, and thus the Russians receive their current history of military and political movements in America with the coloring given to it by that particular sheet. Prince Gortchacow had evidently been led to fear that the war was taking the character of a crusade against slavery, and hence that overtures of submission, involving the continuance of that institution in the States where it exists, would not be accepted by the federal government. I trust, however, that I have succeeded in removing this impression from his mind.

After receiving your last despatches I again applied for an interview, which was granted to-day. I informed the Prince that I was authorized to communicate to him the sincere congratulations of the government of the United States on the new and auspicious reform which his Imperial Majesty has decreed. He expressed great pleasure at the fact of my having reported the project, and especially at the prompt recognition of its importance by the President, whose congratulations he accepted as another evidence of the interest which the government of the United States feels in the progress of Russia. "We have stepped from one peaceful revolution to another," said he, "and my earnest wish is that your revolution could have been accomplished in the same way."

Your despatch No. 5, of November 22, is so complete a justification of statements which I had ventured to make without special instructions before receiving it, and, moreover, expresses so much reciprocal kindness and consideration for the views of the imperial government, that I made and presented to Prince Gortchacow a copy of it. I stated to him that I was not instructed to do so, but that I was sure its contents would be gratifying to him. He was anxious to know whether I had received any reply to my despatches concerning the proposal of intervention. I told him a reply had not yet arrived, but that I felt confident the action of Russia would be interpreted as he desired. At parting he was unusually cordial. "There will be no misunderstanding," said he, "so long as you and I act for our government."

The steady forward movement of our armies gives more encouragement to our friends here than many such battles as those of Antietam and Perryville. This evidence of a determination on the part of the government to press the war with all possible vigor to a speedy conclusion begins to turn the scale of opinion once more in our favor. At the present crisis in our national fortunes nothing can do us so much damage abroad as inaction, either real or apparent. I most fervently hope that the restoration of confidence, the commencement of which I am now able to report, will not again suffer a relapse.

It has been rumored that Mr. Maury is on his way to this court as an agent of the so-called "confederate" government, and I have, therefore, prepared the way for him by informing Prince Gortchacow of the manner in which he deserted the national service.

The imperial court is still at Moscow, where the Emperor has been received with more than the usual enthusiasm. His addresses to the deputations of nobles and peasants have given new illustrations of the firmness and energy of his

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character. The rumors of threatened disturbances which were so current last summer have ceased; the peasants are coming to a sober comprehension of the change in their condition, and it appears nearly certain that the critical phase in the working out of so vast a reform has been safely passed.

I have the honor to be, with the highest respect, your obedient servant,

BAYARD TAYLOR,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Taylor to Mr. Seward.

No. 23.] LEGATION OF THE UNITED STATES,
St. Petersburgh, December 19, 1862.

SIR: I am at length enabled to give you some further information concerning the project of telegraphic communication between the United States and the Russian empire, which was submitted to the imperial ministry of foreign affairs by Mr. Cameron on the 17th of September.

Immediately on receiving your despatch No. 17, of October 21, I communicated to Prince Gortchacow the explanation which you desired to have made in relation to the assistance which it was hoped the undertaking would receive from the government of the United States. The application of Mr. Collins had already been referred to General Melnikoff, the chief director of ways of communication, and I suppose he likewise received the explanation. After several interviews with General Melnikoff and with General Kozakow, the governor general of Eastern Siberia, who is at present in this city, and who cordially favors the undertaking, Mr. Collins has at last received an official reply from the former, which, in substance, is equivalent to an acceptance of his plan.

General Melnikoff states that the imperial government finds no difficulty in granting the desired privilege for a telegraph line by way of the Aleutian islands to the mouth of the Amoor, requesting only to be positively informed, in advance, of the length of time necessary to construct the line, the term for which the exclusive privilege would be required, and the conditions of transmitting despatches over the connecting Russian lines. He further states, that if the route *via* Behring's straits is prepared, while no difficulty is foreseen by the government in granting the privilege demanded, yet, on account of the wild and unexplored character of the territory to be traversed, it would be advisable first to ascertain the practicability of successfully constructing and operating the line. He concludes by saying, "At all events, our government will be ready to co-operate with you as far as possible in carrying out your enterprise."

This favorable reply, so promptly given, justifies me in anticipating the concurrence of the imperial government in Mr. Collins's proposal. As soon as he has completed his reply to General Melnikoff's communication, he will forward to you a full report of the transactions.

I shall omit no opportunity of rendering him assistance, for I regard the proposed telegraphic connexion in the light of national rather than individual interests.

I have the honor to be, with the highest respect, your obedient servant,

BAYARD TAYLOR,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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Mr. Seward to Mr. Taylor.

[Extracts.]

No. 10.] DEPARTMENT OF STATE,
Washington, December 23, 1863.

SIR: Your despatch of November 28 (No. 21) has been submitted to the President. A perusal of it produces the same impression which follows the reading of the despatches of all our representatives in Europe, namely, that the government of the United States is regarded by foreign governments as weak and in critical circumstances. The existence of such an opinion in Europe is natural. Our utterances, which are controversial because we are really free and confident of the national safety, however we may seem to despond, too often present the government in this light. This is the result of a commendable impatience for greater activity, with the promise of greater and speedier results. The insurgent emissaries in Europe inculcate the same opinion, and their prejudiced or interested European sympathizers have the public ear in Europe, as insurgent exiles always do. Nothing, however, could be more injurious to the country than a seeming admission of the justice of the opinion in question by this government. This sentiment was among those which induced my instructions to yourself, Mr. Dayton, and Mr. Adams, to ask no explanations and make no comments on any explanations which should be offered by any of the three powers which lately engaged in a correspondence with each other concerning American affairs. The note which you have addressed to Prince Gortchacow, exhibiting our resources and advantages, was written before you received this instruction; and it is believed that, from your known ability, you have made the argument presented a strong one, and, therefore, the President, so far from censuring you for the performance, is rather gratified with it. But it will be well for you, nevertheless, to explain to Prince Gortchacow that this government would not have instructed you to write the paper, and that for the special reason before mentioned it would not have approved of it had the government been advised of the preparation of the document. At no previous time since this civil war began has this government been better assured of its ultimate success in the present contest, or had more gratifying proofs of the strength of the very extraordinary political system which was bequeathed to us by our fathers; and the President is no more likely to accept overtures of foreign mediation in our affairs than the government of the United States is likely to offer its mediation in similar affairs to any other nation.

To-day members of Congress arrive here who have been duly elected in Louisiana; and this is a palpable demonstration that the crisis of disunion has passed, and the process of restoration has begun.

* * * * * * * * * *

In regard to Russia, the case is a plain one. She has our friendship, in every case, in preference to any other European power, simply because she always wishes us well, and leaves us to conduct our affairs as we think best.

I do not misunderstand the seductions which partisan divisions existing here, not in reality disloyal, offer to foreign powers. Such seductions are always offered in every civil war. I can, however, hardly remember a case in history in which any foreign state listened to such persuations with any advantage accruing to itself or to the state in whose behalf its sympathy was moved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BAYARD TAYLOR, *&c., &c., &c.*

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Mr. Taylor to Mr. Seward.

No. 24.] LEGATION OF THE UNITED STATES,
St. Petersburgh, December 31, 1863.

SIR: Your despatches, No. 8, of December 1, and No. 9, of December 7, together with the copy of your despatch No. 263, of November 30, to Mr. Dayton, have been received. The copious extracts from your published correspondence, especially with the legations at London and Paris, received at the same time through the public prints, complete my understanding of the policy of the government in its foreign relations during the changing fortunes of the present year, and arm me sufficiently to meet any new questions that may arise. I cannot refrain from expressing to you the profound gratification which I have derived from the perusal of this correspondence. The calm, confident, self-possessed attitude of the government which it reveals, undiscouraged by temporary reverses at home, and presenting a firm and dignified front to the impertinent suggestions of interference from abroad, cheers and strengthens the American representative, whose anxieties increase in proportion to the distance from his own country, and to his diminished opportunities of receiving regular and reliable information of passing events.

My despatch No. 22, of December 17, will have already satisfied you that the effect produced by misstatements and exaggerations, many of which have their origin at home, and are, therefore, all the more likely to mislead foreign observers, has been of late very much diminished. The admirable tone of the President's message, temperate, yet firm, dispassionate, yet profoundly earnest, has produced a most favorable impression throughout Europe. As soon as it reached me, I forwarded one of the official copies to Prince Gortchacow, and it has since been translated and published entire, though without comment in the government journal. But the President's striking presentation of the steady growth of the United States, and the rapidity by which the burden of any extraordinary expenditure is thereby lightened, needs no comment. It speaks for itself; and no unprejudiced reader can fail to see that if the present war for the Constitution and the integrity of the nation is a check drawn upon the resources of the coming years, their natural increase will be sufficient to meet it. This is a vast advantage we possess over the nations of Europe, which, with the exception of Russia, have either approached the limit of their material development or are shorn of their increase by the superior attractions offered by new lands; and its importance, as an element of present and future power, has never been understood abroad. I believe that the manner in which it has been stated by the President will furnish the surest basis for a renewed confidence in the stability of the American republic.

Your remarks in relation to exaggerated statements which "have been presented to Europe, even by friends of this country, as portentous facts," are entirely correct, as is also your judgment of the temporary character of the impressions they have created. But to combat these impressions while they lasted was a serious task. It is always a more difficult because a more delicate labor to allay the impatience of friends than to resist the open hostility of enemies. I was not then in possession of all the weapons which your recent despatches and the government papers laid before Congress afford me at present. To the continued demand for explanations of abortive military movements, of the failure of the federal armies, superior in numbers, in equipment, and means of support, to achieve any important advantage over the rebels from May to November, I could give no satisfactory reply. I may say now frankly that the delays of General McClellan and the inaction of General Buell have done our cause great damage among its European friends. Even after the battle of Antietam, Prince Gortchacow intimated to me that it was not politic to talk of

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final success while Lee's army was on the Potomac. It is very evident that the judgment of Europe accredits the rebel commanders in Virginia with a generalship superior to that of our own. I mention this as a simple fact, which adds its strength to the erroneous impressions of which you speak.

My own course has been to show, by the simplest and most easily understood representations, that a division of the Union will not be allowed to take place. The democratic party, I have asserted, professes an equal devotion to the national cause; thousands of its members are fighting in the ranks of our armies; and if its leaders assume an attitude of opposition to the administration, it is not that they really design to encourage the insurgents, but that they differ in regard to the policy to be pursued in defeating their parricidal scheme. While admitting the failure of our armies to accomplish all that was promised and might reasonably have been expected from their summer campaign, I have insisted that the rebellion has been steadily losing ground in the regions most essential to its success. Its plans with regard to California, to New Mexico, Arizona, and the other Territories of the United States, have been most signally defeated. Missouri has been so thoroughly secured to the Union that the battle-ground is now virtually removed from her soil; and Maryland and Kentucky, whose loyalty seemed to waver in the beginning, have at last purged themselves of the dishonoring doubt. The secured possession of these States and of Western Virginia, with the command of the Mississippi river, and of every port on our long line of sea-coast, which our present naval strength assures to us, will confine the rebellion within limits too narrow for its existence. Holding thus its borders on every side, we need only act on the defensive thereafter to compass its gradual dissolution. We will have so cut down the basis upon which it was undertaken, so restrained that spirit of aggression which is its breath of life, that we might even, holding Tennessee, give to the States between the Mississippi and the James rivers permission to establish a separate republic, safe in our knowledge that the hopelessness of the task would prevent the offer from being accepted.

The most momentous results of the war, thus far, have not been owing to the direct effect of the battles that have been fought. All along the line of disputed territory I can trace the footsteps of a moral change. State after State is slowly emerging from the darkness of the struggle, and shining more fairly in the light of an undoubted allegiance to the Union. The interests of a peculiar system are giving way before the overpowering importance of preserving the national life. The ground thus won is won forever; and though the war should last for years, the gradual consolidation and extension of that broad, all-embracing sentiment of loyalty without which no nation can have a permanent existence, will repay us for its losses and its trials.

These, however, are features of our struggle which foreigners, even those best informed in regard to American affairs, do not at once perceive. The military operations, on the other hand, stand forth prominently in the eyes of all, and our fortunes are measured by them alone. The recent articles in the *Revue des Deux Mondes*, ascribed to the Prince de Joinville, have been everywhere reprinted and read, and their effect has been all the greater that they emanate from one friendly to our cause. In various ways an impression has been very generally established that our armies are lacking in discipline and soldierly *esprit*, and that the number of men the nation can bring into the field is no real measure of its military strength. The pictures of the destitute and suffering condition of the rebel armies, which continually reach us through both northern and southern journals, naturally increase for us the shame of defeat, and lessen the prestige of victory. When I find these views shared by many of the loyal American citizens with whom I come in contact, I cannot wonder that the confidence of our foreign friends should be now and then shaken. I have, there-

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fore, in my intercourse with the latter, principally confined myself to representations of the important sources of encouragement already mentioned.

I foresee that the terrible repulse of General Burnside's army at Fredericksburg, the news of which has just reached here by telegraph, will be at once seized upon by our enemies, and brandished in the face of Europe as another evidence of the hopelessness of the national cause. I shall not, however, suffer the humiliating fact to depress my hopes, or shake my steadfast faith in the Divine wisdom which guides our struggle. The news is not a cheering gift for the new year which opens to-morrow; but perhaps the next sun which dawns upon the world will witness, before its setting, the grandest triumph of the republic, and consecrate the day as an anniversary of jubilee in our future history.

I have communicated to the imperial government the thanks of that of the United States for the generous assistance rendered on the occasion of the wreck of the American ship Emperor.

No answer has yet been received to the circular of Mr. Blair in relation to a postal convention, or to the application of the Navy Department for tracings of the internal arrangements of men-of-war.

I trust that the foregoing statement of the views which have guided my action as temporary representative of the United States at this court will be satisfactory to the President. Of my earnest desire to forward the interests of my country, in every legitimate way, you do not need to be assured, and I trust you will feel satisfied, in case any new complications should arise, that I shall not lightly estimate or carelessly exercise the trust committed to my hands.

I have the honor to be, with the highest respect, your obedient servant,

BAYARD TAYLOR,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Taylor.

No. 13.] DEPARTMENT OF STATE,
Washington, January 14, 1863.

SIR: Your despatch of December 19 (No. 23) has been received. The President is gratified with the favorable reception which the imperial government has accorded to Mr. Collins's proposition for the privilege of extending the Russian telegraph. We wait, however, the definitive disposition of the subject which Prince Gortchacow has authorized you to expect.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BAYARD TAYLOR, Esq., &c., &c.

Mr. Seward to Mr. Taylor.

No. 14.] DEPARTMENT OF STATE,
Washington, January 14, 1863.

SIR: Your despatch of December 17 (No. 22) has been submitted to the President, and I am authorized to approve the representations mentioned therein, which you have made to Prince Gortchacow.

A new campaign has been begun, with alternating successes and disappointments. The victory at Murfreesboro' was a great one, and it has been followed by very beneficial results. Our army in Arkansas continues to be successful.

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The insurgents have been repulsed in their attack upon Springfield, in Missouri. On the other hand, the small garrison which held Galveston has been surprised and dislodged, just at the moment when re-enforcements were approaching the harbor; and General Sherman, after a very gallant assault, has been repulsed at Vicksburg. Forces are, however, again gathering at that point, which are believed to be adequate to the capture of the town; and a demonstration upon Charleston will very probably be made while this paper is on its way to St. Petersburgh.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BAYARD TAYLOR, Esq., &c., &c.

Mr. Taylor to Mr. Seward.

[Extracts.]

No. 27.] LEGATION OF THE UNITED STATES,
St. Petersburgh, January 21, 1863.

SIR: Your despatch No. 10, of December 23, was received on the 17th instant. The first portion of it, which relates to the impression conveyed by my despatch No. 21, of November 28, 1862, has, I trust, been already answered by my subsequent despatches. I consider that a part of my official duty is to acquaint you, without reserve or modification, with the state of public opinion at this capital concerning the events of our national struggle. These statements, however, are entirely of an objective character, and I have unfortunately chosen my words if they suggest the inference that I have in any manner shared the doubts and anxieties which I have described as being prevalent here.

On the contrary, I have invariably expressed my confidence in the strength of the federal power, and the successful issue of the struggle, not from a sense of official propriety, but from my own unshaken, individual faith. I believe, however, that you will not have misunderstood me in this respect.

I have just returned from an interview with Prince Gortchacow, which I had requested immediately upon receiving your despatch. * * * *

"Tell Mr. Seward," said he, "that the policy of Russia in regard to the United States is fixed, and will not be changed by the course adopted by any other nation. We greatly desire, as you know, the termination of your unfortunate struggle, but we shall not offer our friendly mediation until it is certain of being accepted by both sides—by the federal government and the southern States. We earnestly hope for the maintenance of the Union, but at the same time we have no hostility to the southern people; and for the sake of both sides, we shall gladly proffer our services when they are mutually requested, but not until then." This reply, I trust, will prove as explicit and satisfactory as you could have desired; but it is probably no more than the course of Russia hitherto has led you to anticipate.

I also gave the Prince the explanation you required, concerning the statement of the strength and resources of the United States, which I sent to him, unofficially, in November. In compliance with your request, I informed him that you would not have instructed me to take this step, and, therefore, would not have given your sanction, had you been informed of it in advance. He answered that he regarded the paper at the time he received it entirely as a confidential communication; that he had read it with great interest, and was very glad that I had prepared it, as it contained important facts which had not previously come to his knowledge. He further said, that he regarded the relations between the two countries as possessing, necessarily, something of an inti-

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mate and confidential character, and my act was, therefore, especially that of a friend.

The best justification which I can offer for an unauthorized step of the kind is the good effect which it evidently produced. I did not venture upon it without careful deliberation, nor can I now perceive, looking back to that period, that it was ill-judged. For the previous two months our military operations only had been watched by European observers; and in November the impression was very general here, even among our friends, that the national cause was about to fail. I do not suppose that, except myself, a single diplomatic representative at this court had faith in our success; our real sources of strength were overlooked; and the imperial government, hearing nothing but unfavorable opinions from all quarters, showed signs of impatience and despondency. It seemed to me that Russia had deserved, by her steady friendship towards us, that her confidence in our national power and stability should be supported. Such support I knew would, under the circumstances, be acceptable to her, no less than advantageous to us. The paper I prepared was a simple exhibition of our actual strength and resources; it contained no argument; it was sent to Prince Gortchacow unofficially; and, as I have to-day learned from his excellency, the act was understood precisely as I had desired. Before receiving your last despatch, I had considered that I was incidentally justified by the closing words of your despatch No. 9, of December 7, stating that the President's message and the accompanying reports would be very useful in enabling me "to show to Prince Gortchacow the grounds of the public confidence in the stability of the Union." I had already endeavored to do the same thing by anticipating some of the statements contained in these documents.

In conversing afterwards on the recent news from the United States, especially the military movements in the west, and the actions of Murfreesboro' and Vicksburg, the Prince took occasion to say: "I shall be glad, nevertheless, when you cease to show me laurels. They are always dipped in blood; but whenever you have a branch of olive to exhibit, bring it to me at once." I replied that I could, at least, offer him an olive *leaf*, in the magnanimous policy adopted by General Banks at New Orleans, and that by adding leaf to leaf in this manner, we would finally be able to hold the entire branch. He expressed his pleasure at the news, which he had already noticed in the papers, and his willingness to accept it as a leaf from the tree of peace.

* * * * * * * * *

On the 13th instant, (New Year's Day, O. S.,) there was a diplomatic reception at the winter palace. The Emperor, having so fortunately passed the point of danger in carrying out his grand reforms, was, apparently, in the best of health and spirits. My interview with him was brief, but very satisfactory. He asked me the character of the last news I had received from America. I told him it could neither be called good nor bad, and that the forces at the command of the government were scarcely yet in motion. "But you anticipate good news soon, do you not?" he asked. "You are sure of final success?" I replied that I should not consider myself worthy to represent my country if I doubted it. "Quite right," he remarked, "and I hope it will come soon." "All Americans know," I then said, "that your Majesty is one of our best friends." He bowed, and said, "I shall remain so." Afterwards I was very kindly received by the Empress.

At the court ball two days afterwards, the Emperor again approached me, and after some pleasant conversation, spoke of the battle of Fredericksburg. I assured him that although General Burnside's attempt had failed, the bravery and efficiency of our soldiers had been strikingly exhibited, and the country seemed to be encouraged, rather than depressed, since the nature of the battle had been fairly understood. He then asked me what was the next news I expected to receive. I replied, the President's proclamation of emancipation, the

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effect of which, I hoped, would be equivalent to many battles. He assented to this in the most hearty and emphatic manner.

I may add that on this and other recent occasions which I have attended in my official capacity, I have been treated by all the officers of the imperial government with the most gratifying courtesy and kindness.

It is also proper to state that Prince Gortchacow, at our interview to-day, in speaking of American affairs, expressed his regret at the violence of party contentions in the loyal States, and especially at the direct attack recently made upon the cabinet. I replied, that at home, where the nature of our parties and their operations are better understood, these differences are not so important as they appear to European eyes; they were to be deprecated at the present time, but they could not seriously interfere with the policy of the government. With regard to the cabinet, I said, that from all I could learn, it was now stronger than before the assault was made, and perhaps in consequence of it. It may not be out of place for me to add, that any change in the direction of our foreign relations would be regretted at this court.

The internal condition of the Russian Empire continues to be very satisfactory. I am collecting information with regard to various important changes which are now being developed, and will shortly forward to you a special report on the subject.

I have the honor to be, with the highest respect, your obedient servant,

BAYARD TAYLOR,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Mr. Taylor.

No. 15.] DEPARTMENT OF STATE,
Washington, January 23, 1863.

SIR: Your despatch of December 31 has been submitted to the President, and is approved. He is entirely satisfied with the skill, discretion, and assiduity with which you have conducted the affairs of the legation since they fell into your hands.

We are on the eve of important movements, which as yet are but imperfectly understood by the public. A part of the force which so brilliantly carried the Post of Arkansas is understood to have ascended the White river. The remainder, considerably augmented, is supposed to have already returned to the siege of Vicksburg.

A long and very severe storm has suspended projected movements of the army of the Potomac, at Fredericksburg, and delayed for a few days the expedition against Charleston. We learn to-day that the two iron-clad vessels which encountered the storm on their way to the scene of war, not only are safe, but have proved their adaptation to the trials of the seas.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BAYARD TAYLOR, Esq., *&c., &c., &c.*

Mr. Taylor to Mr. Seward.

No. 28.] LEGATION OF THE UNITED STATES,
St. Petersburgh, January 27, 1863.

SIR: In the St. Petersburgh *Védomosti*, (Gazette,) one of the principal daily papers in the Russian language, there has just appeared a leading editorial article on the President's proclamation of emancipation. After reading it, (with some

little difficulty, owing to my incomplete knowledge of Russian,) I find it so just and sagacious as to warrant me in translating and forwarding it to you. You will doubtless be all the more interested in perusing an article from this source, as it represents the sentiments of the middle classes of the Russian people. The press here is really freer than it is at present in Prussia, and its utterances in regard to foreign affairs are subjected to very slight restraint. The following article may therefore be taken as an independent expression of opinion, neither suggested nor modified by the known attitude of the imperial government towards that of the United States.

"Mr. Lincoln's proclamation of the emancipation of the slaves has invoked, as was to be expected, an entire series of accusations and reproaches, more or less pathetic, more or less passionate, but in substance much the same, and, in our opinion, equally unjust. We have heard the echo of these reproaches in society, in private conversation, from persons who are not at all interested in the termination of the American war, or the solution of the questions it involves. The accusations to which Mr. Lincoln is subjected may be reduced to two principal heads. First of all, they assert that his proclamation is called forth not by principle, but by interest; not from conviction, but from necessity; that he promulgated it only when he had lost every hope of seeing the southern States voluntarily return to the Union; that he retains slavery where he might have abolished it, and abolished it only where it is out of his power to do so; that its abolition is meant, (according to the London *Times*,) as a punishment for rebellion, and its preservation as a reward for loyalty to the Union. In these accusations, the mere personal question is curiously mixed up with the real substance of the act. It is of no great importance for us to know by what successive convictions Mr. Lincoln was guided to its accomplishment. The act of emancipation itself is the only important thing, viewed with reference to the reasons which finally led to its promulgation. A pure, benevolent deed may spring from an impure impulse, and the action called forth by necessity may be at the same time perfectly just. What would be said of the historian who should condemn the Magna Charta, because it was granted by the miserable King John? or the declaration of the '*Jeu de Paume*,' because it was the production of the venal Mirabeau?

"By his motives we may judge of the services of the reformer, but not of the value of the reform. Mr. Lincoln never was an abolitionist, and it is true that during the first year of his government his policy was by no means favorable to immediate emancipation. But among his advisers and friends, upon whom the *Times* almost invokes damnation, many have been for years devoted to the cause of emancipation, and to them, certainly, the proclamation of January 1 has a deeper significance than a mere measure of public safety. They co-operated in preparing the proclamation, and therefore it cannot be considered as only the result of a calculation. For the benefit as well as for the honor of the federal government, it would have been better if the war against the south had taken the character of a war against slavery at its very outset, but the emancipationists were yet too weak, the desire to preserve the Union and the prejudice against the negro too strong. Time and circumstances have changed the state of the case, and the services of Mr. Lincoln consist in his having ventured to make use of the opportunity. We do not see anything especially heroic in the fact, but still less can we call it shameful. We may perhaps be asked, Why has not Mr. Lincoln liberated the slaves in the States remaining loyal to the Union? Here we find, in the arguments of the *Times* and other pro-slavery papers, a very singular contradiction. They incessantly repeat that the proclamation of January 1 is a clearly unjust and treacherous (*Sic Morning Post*) violation of the Constitution, and at the same time they blame Mr. Lincoln for not having committed a violation ten times more glaring and unjust. The Constitution of the United States does not allow the central power to interfere in

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the local institutions of the separate States, and slavery is one of these institutions. The southern States having seceded from the Union, having declared the Constitution as invalid for them, have naturally lost all the rights which it guaranteed to them. Therefore, the abolition of slavery in these States may be proclaimed without violating the Constitution. But the border States, which remained loyal to the Union, are still under its protection. In reference to them, the President and Congress have only such rights as the central power possesses in ordinary times of peace. The federal government may and should use every possible means to induce them, voluntarily, to adopt emancipation, but as long as the Constitution remains unchanged, it has no right to force them. The President has manifested his determination to use every means in his power to promote the voluntary abolition of slavery in the border States; to demand of him more than this would be unjust, as the *Times* well understands. It is to be hoped that the same force of circumstances which gave rise to the proclamation, will lead the border States to emancipation; and this, in our opinion, is the best result of Mr. Lincoln's policy.

"Let us now refer to the other accusation, which we have already noticed, but which is repeated so often in the newspapers, and in conversation, that we do not think it useless to add a few words on the subject. Mr. Lincoln is charged with inciting the slaves to rebellion against their masters, by his proclamation. Then follows a series of eloquent phrases about innocent wives and children, torrents of blood, each drop of which will fall on Mr. Lincoln's head, &c., &c. Here, again, we notice a few contradictions and inconsistencies. At one time, the proclamation is represented as a dead letter, not worth the pen with which it was signed; but now it is the all-powerful word, whose utterance shall bring forth thunders and convulsions. But we leave these contradictions, which testify only to the blind partisanship of the friends of the south.

"Let us place ourselves on any plantation whatever, in Georgia or Arkansas, on the shores of the Mississippi or the Gulf of Mexico; let us suppose, although it would probably not be an isolated case, that the proclamation of Lincoln penetrated thither; that in spite of its 'barbarous language,' it was read from beginning to end and understood by the slaves. They are accustomed from their infancy to obey the whites; they know what the very smallest attempt at resistance costs the negro; they have the district inspection, now especially rigorous—which at no time allows of any combination whatever among the negroes of the different plantations—thus removing every possibility of reciprocal consultation, preliminary to the deliberation and unanimous execution of their plan. Is it possible that the word 'freedom,' pronounced at the same time with various explanations and warnings of rights scarcely known to the negroes, of power which they have never felt—is it possible that one word would compel them to forget their helplessness, to overcome their cowardice, and rise without the chance of success against an implacable enemy, powerful to destroy them in the very moment of their rising? We may be answered that the meaning of the explanation is destroyed by the phrase, granting to the negro the right of indispensable personal defence in emergency, and advising him to work for a proper compensation; that the proclamation commands the military authority to proclaim and protect the freedom of the negroes, and in this manner stimulates the worst of them to insurrection, wherever they may be sustained by the federal armies. 'The opportunity of indispensable defence,' writes the New York correspondent of the London *Times*, 'will present itself every time when the slaves, demanding their own labor, shall be restrained from possessing it.' We do not think that the opinion of the correspondent conforms to the judicial idea of indispensable defence. Not thus do these people, accustomed to labor, born and brought up to it, understand the opportunity presented. The absolute necessity of defence appears much further off to them than to us, and the words of Mr. Lincoln will refer to them only in cases where the slaveholders shall menace their lives, when resistance shall be the least of two evils offered to their choice. To

advise them to work faithfully for a proper compensation, is not to advise them not to work at all without compensation; but even if it is understood in this manner, then from the explanations already given, it remains without influence on the negro, because it does not give him the possibility of following it.

"Where the immediate presence of the federal troops encourages the negroes, they may certainly be expected to resist their masters; but the interference of these very troops will always keep the revolution within proper limits, and prevent it from attaining those excesses which might be feared from the passions of the slaves. The presence of a federal army, in a revolted State, has already had the effect of a *de facto* liberation of the slaves, and the proclamation of Mr. Lincoln only embodies the fact in a legal form. We repeat, that wherever circumstances favor a revolution, it will always take place, even without the proclamation; but wherever the negroes are powerless and unprotected, the latter cannot incite them to rebellion. Perhaps we may be mistaken; perhaps deplorable facts may prove the correctness of the fears expressed; but the probabilities are all against it, as Mr. Lincoln was aware before he took the step. Must we describe the extremes to which the friends of the south are carried? Must we state that there are newspapers (*The Morning Post* and *La France*) which dare to justify the brutal proclamation of Jefferson Davis? But we prefer the frankness of even these papers to the hypocrisy of the *Times*, which solemnly asserts its profound repugnance to slavery, and at the same time endeavors to prove in the same article that the negro can only be happy under the paternal care of his owner."

There are some slight misconceptions in this article, and some views which are more novel here than in the United States; but its tone is earnest, temperate, and just. Independent of the subject, it chronicles the growth of a public opinion in Russia, and may interest you, at least, as a specimen of an influential portion of the press here, which is never read and never quoted outside of the empire.

I have the honor to be, with the highest respect, your obedient servant,

BAYARD TAYLOR,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Taylor.

No. 17.] DEPARTMENT OF STATE,
Washington, February 18, 1863.

SIR: Your despatch of January 21 (No. 27) has been received. This government thought that it might be deemed an exhibition of too much susceptibility if it should show a desire to discuss with France, Russia, and Great Britain the subject of the diplomatic communications which, without conference with the United States, passed between those respected powers concerning American affairs, on the initiation of the Emperor of the French.

The sending of your private unofficial note, and the accompanying statement, to Prince Gortchacow, described in your despatch No. 21, of the 28th of November last, the dates of which were not given, was a proceeding not in harmony with the sentiment to which I have thus alluded.

That proceeding, however, was taken by you in the absence of knowledge of the course the government had decided to adopt. You have now brought this fact to the knowledge of Prince Gortchacow, and this sets the matter right in that quarter, which is all that was wanted.

Under these circumstances the President is pleased not only to absolve you

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from censure for the proceeding, but even to look back with satisfaction upon the whole transaction. Your exposition was timely and able, and it has manifestly produced a good result. The unreserved and friendly expressions of sentiment made to you by his Majesty and by Prince Gortchacow, in relation to our country, have been made known to the President, and received by him with lively satisfaction.

You will do an act at once of courtesy and of justice to the worthy representative of Russia residing here, by stating to Prince Gortchacow that exactly the same assurances have been given to me by Mr. Stoeckl, on the same subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BAYARD TAYLOR, *&c., &c., &c.*

Mr. Seward to Mr. Taylor.

No. 18.] DEPARTMENT OF STATE,
Washington, February 25, 1863.

SIR: Your despatch of January 27 (No. 28) has been received. I thank you most sincerely for the care you have so judiciously bestowed upon the national cause, in translating for the department the article in the Vedomosti, upon the President's proclamation. It is a paper of marked ability, candor and foresight. I shall cause it to be published here.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BAYARD TAYLOR, Esq., *&c., &c., &c.*

Mr. Taylor to Mr. Seward.

[Extracts.]

No. 30.] LEGATION OF THE UNITED STATES,
St. Petersburgh, March 3, 1863.

SIR: I have just succeeded in intercepting the accompanying despatch from J. P. Benjamin, who claims to be secretary of state of the so-called confederate government, at Richmond, to L. Q. C. Lamar, who appears to have been chosen by the leader of the southern insurrection to advocate its pretensions at this court. The despatch, you will observe, is an unusually fine specimen of the specious reasonings of the insurgents. It instructs the said Lamar *not* to permit the introduction of a clause, prohibiting the African slave trade, in any treaty of amity and commerce which the "Confederate States" shall make, after Russia has recognized their independence, because the "treaty-making power" of said States is not authorized to deal with the subject. It is classed among those powers which the said States, "without delegating them to the general government, have thought proper to exercise by direct agreement among themselves"!!

* * * * * * * * *

It is a curious illustration of the combat of the powers of light and darkness for the possession of the world that, on this 3d day of March, 1863, the day of jubilee, on which twenty millions of serfs become free forever, I forward to you an insidious document in the interest of human slavery.

I have the honor to be, with the highest respect, your obedient servant,

BAYARD TAYLOR,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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Mr. Benjamin to Mr. Lamar.

No. 1.] CONFEDERATE STATES OF AMERICA.
Department of State, Richmond, January 15, 1863.

SIR: It has been suggested to this government, from a source of unquestioned authenticity, that after the recognition of our independence by the European powers, an expectation is generally entertained by them, that in our treaties of amity and commerce a clause will be introduced making stipulations against the African slave trade. It is even thought that neutral powers may be inclined to insist upon the insertion of such a clause as a *sine qua non*.

You are well aware how firmly fixed in our constitution is the policy of this confederacy against the opening of that trade; but we are informed that false and insidious suggestions have been made, by the agents of the United States at European courts, of an intention to change our constitution as soon as peace is restored, and of authorizing the importation of slaves from Africa. If, therefore, you should find in your intercourse with the cabinet to which you are accredited that any such impressions are entertained, you will use ever proper effort to remove them; and if an attempt is made to introduce into any treaty which you may be charged with negotiating stipulations on the subject just mentioned, you will assume in behalf of your government the position which, under the direction of the president, I now proceed to develop.

The constitution of the Confederate States is an agreement made between independent States. By its terms all the powers of government are separated into classes as follows, viz:

1st. Such powers as the States delegate to the general government.

2d. Such powers as the States agree to refrain from exercising, although they do not delegate them to the general government.

3d. Such powers as the States, without delegating them to the general government, thought proper to exercise, by direct agreement between themselves contained in the constitution.

4th. All remaining powers of sovereignty which, not being delegated to the Confederate States by the constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people thereof.

On the formation of the constitution, the States thought proper to prevent all possible future discussions on the subject of slavery, by the direct exercise of their own power, and delegated no authority to the confederate government, save immaterial exceptions, presently to be noticed.

Especially in relation to the importation of African negroes was it deemed important by the States that no power to permit it should exist in the confederate government. The States, by the constitution, (which is a treaty between themselves of the most solemn character that States can make,) unanimously stipulated "that the importation of negroes of the African race, from any foreign country other than the slaveholding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same."—(Art. 1, sec. 9, par. 1.)

It will thus be seen that no power is delegated to the confederate government over this subject, but that it is included in the third class above referred to, of power exercised directly by the States.

It is true that the *duty* is imposed on congress to pass laws to render effectual the prohibition above quoted. But this very imposition of a duty on congress is the strongest proof of the absence of power in the president and senate alone, who are vested with authority to make treaties. In a word, as the only provision on the subject directs the two branches of the legislative department, in connexion with the president, to pass *laws* on this subject, it is out of the power of the president, aided by one branch of the legislative department, to control the same subject by treaties; for there is not only an absence of express delegation of authority to the treaty-making power, which alone would suffice to prevent the exercise of such authority, but there is the implied prohibition resulting from the fact, that all duty on the subject is imposed on a different branch of the government.

I need scarcely enlarge upon the familiar principle, that authority expressly delegated to congress cannot be assumed in our government by the treaty-making power. The authority to levy and collect taxes, to coin money, to declare war, &c., &c., are ready examples, and you can be at no loss for argument or illustration in support of so well recognized a principle.

The view above expressed is further enforced by the clause in the constitution which follows immediately that which has already been quoted. The second paragraph of the same section provides that "congress shall also have power to prohibit the introduction of slaves

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from any State not a member of, or territory not belong to, this confederacy." Here there is no direct exercise of power by the States which formed our constitution, but an express delegation to congress. It is thus seen that while the States were willing to trust congress with the power to prohibit the introduction of African slaves from the United States, they were not willing to trust it with the power of prohibiting their introduction from any other quarter, but determined to insure the execution of their will by a direct interposition of their own power.

Moreover, any attempt on the part of the treaty-making power of this government to prohibit the African slave trade, in addition to the insuperable objections above suggested, would leave open the implication that the same power has authority to permit such introduction. No such implication can be sanctioned by us. This government unequivocally and absolutely denies its possession of any power whatever over the subject, and cannot entertain any proposition in relation to it.

While it is totally beneath the dignity of this government to give assurances for the purpose of vindicating itself from any unworthy suspicions of its good faith on this subject that may be disseminated by the agents of the United States, it may not be improper that you should point out the superior efficacy of our constitutional provision to any treaty stipulations we could make. The constitution is itself a treaty between the States, of such binding force that it cannot be changed or abrogated without the deliberate and concurrent action of nine out of the thirteen States that compose the confederacy. A treaty might be abrogated by a party temporarily in power in our country, at the sole risk of disturbing amicable relations with a foreign power. The constitution, unless by approach to unanimity, could not be changed without the destruction of this government itself; and even should it be possible hereafter to procure the consent of the number of States necessary to change it, the forms and delays, designedly interposed by the framers to check rash innovations, would give ample time for the most mature deliberation, and for strenuous resistance on the part of those opposed to such a change.

After all, it is scarcely the part of wisdom to attempt to impose restraint on the actions and conduct of men for all future time. The policy of the confederacy is as fixed and immutable on this subject as the imperfection of human nature permits human resolve to be. No additional agreements, treaties, or stipulations can commit these States to the prohibition of the African slave trade with more binding efficacy than those they have themselves devised. A just and generous confidence in their good faith on this subject, exhibited by friendly powers, will be far more efficacious than persistent efforts to induce this government to assume the exercise of powers which it does not possess, and to bind the confederacy by ties which would have no constitutional validity. We trust, therefore, that no unnecessary discussions on this matter will be introduced into your negotiations. If, unfortunately, this reliance should prove ill-founded, you will decline continuing negotiations on your side, and transfer them to us at home, where, in such event, they could be conducted with greater facility and advantage, under the direct supervision of the President.

With great respect, your obedient servant,

J. P. BENJAMIN,
Secretary of State.

Hon. L. Q. C. LAMAR,
Commissioner, &c., &c., St. Petersburgh, Russia.

Mr. Taylor to Mr. Seward.

[Extract.]

No. 34.] LEGATION OF THE UNITED STATES,
St. Petersburgh, March 3, 1863.

SIR: Your despatches, No. 17, of February 18, No. 18, of February 25, and No. 19, of March 3, have been received. The expression of the President's satisfaction with my course since this legation was left in my charge is especially gratifying, now that my official duties are drawing to an end. It will always be a source of honest pride to me that I have been enabled to represent the interests of the United States at this court, during what I trust will prove to have been the most critical phase of our foreign relations.

I had an interview with Prince Gortchacow on Friday last, when I took occasion to remark to him, as you desired, the coincidence between the views of Russia, as expressed to you by M. Stoeckl, and the same as reported in my despatches. The Prince was gratified to find that the understanding was now

complete and final. He observed that M. Stoeckl's despatches to him had, in like manner, proved the correctness of my reports to the Department of State. He also received with great pleasure the information that Mr. Burlingame is in perfect accord with Mr. Balluzeck, the Russian ambassador at Pekin, in regard to the policy to be observed towards the Chinese government.

Since my last despatch I have had two interviews with the Emperor, but beyond the expression of the interest with which he awaited news of our naval operations, nothing was said of sufficient importance to communicate.

The case of books intended for presentation to the Russian government, the forwarding of which was announced in your despatch No. 18, of November 18, 1862, has just arrived. I shall transmit the volumes to the ministry of foreign affairs without delay.

I called upon Prince Gortchacow this morning, by appointment, in order to communicate to him the concurrent resolutions of Congress on the subject of foreign intervention. He stated that he had that very moment received them from M. Stoeckl, with a long explanatory despatch, but that, as the resolutions were suggested by the action of France, it was not necessary, on his part to do more than accept them as the declared policy of the United States on the subject. I replied that nothing further was desired, and left with him one of the copies. * * * * *

I am, sir, with the highest respect, your obedient servant.

BAYARD TAYLOR,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State

Mr. Seward to Mr. Clay.

No. 2.] DEPARTMENT OF STATE,
Washington, March 31, 1863.

SIR: A despatch under the date of March 3 (No. 30) has been received from Mr. Taylor, accompanied by a treasonable communication written by J. P. Benjamin, at Richmond, to L. Q. C. Lamar, which having been intercepted fell into the hands of Mr. Taylor.

Please make known to him my thanks for his watchful attention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., *&c., &c., &c.*

Mr. Taylor to Mr. Seward.

[Extracts.]

No. 35.] LEGATION OF THE UNITED STATES,
St. Petersburgh, April 20, 1863.

SIR: I have to acknowledge the receipt of your despatches No. 20, of March 17, and Nos. 21, 22, and 23, of March 30, as well as circular No. 32, communicating a copy of the "act to secure homesteads to actual settlers on the public lands."

I at once forwarded one of the copies of Mr. Blair's letter, accompanying No. 20, to the ministry of foreign affairs. I had also decided to forward the circular No. 32 in like manner, when a correct translation of it appeared in the official

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Journal de St. Petersbourg together with an article from the *Siecle* of Paris, calling attention to the prosperous condition of the United States. The concurrent resolutions of Congress on the subject of foreign intervention have since been published in the same paper.

I notice that the receipt of my despatch No. 30, of March 3, is not mentioned. As it contained an enclosure of some importance, I am anxious to know whether it reached you safely. In case of failure I can furnish a duplicate.

The medals and drafts designed by the President for presentation to the Finnish pilots who were instrumental in saving the crew of the American ship Hero, the forwarding of which was announced in your despatch No. 12, of January 13, have not yet come to hand.

* * * * * * *

On Sunday morning, the 12th, (Easter Sunday, O. S.,) the Emperor issued a manifesto in relation to Poland, the most important portion of which is as follows: "In our solicitude for the future of the country, we are ready to ignore all past acts of rebellion. In conformity therewith, ardently desiring to put an end to an effusion of blood as fruitless for one side as it is painful for the other, we accord a complete pardon to those of our subjects of the (Polish) kingdom implicated in the recent troubles, who shall not have incurred the responsibility of other crimes, or of violations of military law in the ranks of our army, and who shall lay down their arms and return to obedience by the 1st (13th, N. S.) of May."

* * * * * * * *

Our national struggle has, as is natural during such a crisis, relapsed into a secondary importance. While on the one hand I am relieved from the pressure of adverse opinions, on the other I encounter not an absence, but a suspension, of active sympathy induced by the anticipation of possible events here. I have, therefore, nothing of interest to communicate in this respect. The movements which were awaited with most curiosity, especially that against Charleston, have not yet taken place, and the other brightening aspects of our cause which give American citizens abroad such renewed hopes of the issue are not so apparent to foreign observers. I am safe at least in asserting that the prestige of our government has increased here during the past three or four months.

I am, sir, with the highest respect, your obedient servant,

BAYARD TAYLOR,
Chargé d'Affaires.

Hon WILLIAM H. SEWARD,
Secretary of State.

Mr. Clay to Mr. Seward.

[Extract.]

No. 3, official.] LEGATION OF THE UNITED STATES,
St. Petersburgh, Russia, May 7, 1863.

SIR: By appointment on Saturday last I called upon Prince Gortchacow, the vice-chancellor, and delivered the office copy of my letters of credence. The foreign minister received me with his usual cordiality, and promised to ask for me an early presentation to the Emperor, saying their Imperial Majesties would be happy in seeing me back again. We had much pleasant and familiar conversation, personal and political, which I omit, and he concluded by saying we should find no difficulty in getting along well together.

To-day I was presented, with the usual formalities, to his Imperial Majesty at the winter palace. He gave me a cordial welcome back to his court, and after expressing my thanks I addressed him in these words:

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"Sire, I again present you my letters of credence from the President of the United States of America. The people of the Union, blessed by Deity with extraordinary physical resources, are by their highest economical interests, as well as by progessive sentiments, in favor of peace with all the world, and especially with your Imperial Majesty's government, which is bound to us by so many ties of ancient friendship and common welfare. The more intimate relations which steam, the press, and the telegraph have introduced among the nations heighten the natural interests and increase the conventional claims which each has upon the other for mutual comity, protection, and the advance of civilization. Whilst the people of the United States cannot, in consequence of these facts, be indifferent to passing events in other nationalities, they are aware that a cautious reserve as to uncalled-for intervention in the internal organizations of the several peoples is demanded for the peace of the world.

"The President and Senate, in selecting me, whose opinions and sympathies are well known, again to represent them at your imperial court, give to your Imperial Majesty and to the world assurance that they have the most implicit confidence that your government will so discharge its duties to its own people and to the general rights of mankind as to increase that glory which your Imperial Majesty's character and administration have made historical. I beg your Imperial Majesty to accept renewed assurances of the sincerity with which I shall personally endeavor to realize the desires of my country, and of my aspirations for the happiness and safety of your Imperial Majesty and of your imperial house."

To which the Emperor replied in French, in substance, as follows:

That he trusted that I bore in memory the friendly expressions which he had on former occasions used in regard to the United States; that he entertained the same sentiments now, and that nothing would be wanting on his part to make permanent the amicable relations of the past. He then expressed himself gratified at my return, and hoped I would find a pleasant sojourn at his court. Having concluded these more formal sentences, his Majesty entered into a familiar conversation with me, asked about the condition of the republic, our foreign relations and personal matters, which I forbear to report.

I have asked an audience of his Imperial Majesty and the Grand Duke Heriter, and as his Imperial Majesty talked of retiring to his country seat Tzarsthoselo in a fews days I shall probably be received by them there.

* * * * * * * *

I am, very truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Clay.

No. 8.] DEPARTMENT OF STATE,
Washington, May 11, 1863.

SIR: I think it proper that you should be possessed of a copy of a note which I have this day addressed to Mr. Dayton, in regard to a suggestion that this government should concur with the governments of France, Austria, and Great Britain, in presenting their views of the insurrection in Poland to the consideration of the Emperor of Russia.

There can be no impropriety in your informally making known the contents of the paper to Prince Gortchacow.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.
Same to Mr. Adams, No. 591.

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Mr. Clay to Mr. Seward.

[Extract.]

No. 4, official.] LEGATION OF THE UNITED STATES,
St. Petersburgh, Russia, May 19, 1863.

SIR: Your correspondence from other courts will no doubt, before this reaches you, have informed you of the character of the notes addressed by England, France, Austria, and some of the minor powers, to Russia in regard to the Polish question, as well as of the answers of Prince Gortchacow. I think I but reflect the almost universal sentiment here, when I say that the Prince's response is regarded as triumphant and exhaustive. This is evidenced by the fact that where, as before, commercial circles were quite excited by fears of a war, now a peace with all the powers, so far as Poland is concerned, seems to be confided in on all sides.

* * * * * * * *

I am, truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Clay to Mr. Seward.

No. 5, official.] LEGATION OF THE UNITED STATES,
St. Petersburgh, Russia, May 19, 1863.

SIR: In pursuance of the policy imposed upon me by our government in regard to the Russian American telegraph line, I a few days since called upon Prince Gortchacow, the vice-chancellor, and asked his aid in behalf of Mr. Collins's scheme. The Prince sent for General Ignatieff, aide-de-camp general, and chief of the Asiatic department, with whom I had a long confidential and familiar conversation with regard to the commercial, intellectual, and political relations of this project, in which we both cordially agreed. The general then asked me to embody my views in a written summary for the use of the committee which the Emperor has named for the consideration of P. McD. Collins's scheme. I did so, and I herewith enclose you a copy of the same, marked A, and appended to this letter.

I remark that the Russian line to Nicolaivski, at the mouth of the Amoor river, is completed to Omsk, on the river Irtysch, about 74° east from Greenwich, 55° north latitude. It is proposed to run it on to Irkoutsk, about 105° east, and thence, making a detour somewhat south, to the Pacific. The Russians will complete this, they say, in three years. Mr. Collins thinks, under a favorable charter, the American Telegraph Company would complete their portion of the line, from Nicolaivski to San Francisco, in the same or less time.

General Ignatieff told me last night that the committee, so far as they had considered the proposition made by Mr. Collins, which my paper (A) embraces, were favorably inclined to grant all asked, except that the demand for exclusive control of the Indian tribes through which the line passed, might conflict with the privileges already granted to Russian fur companies, but that he hoped some line of mutual accord would be struck out.

I am, very truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—I ask your attention to addendum, marked A, on next page.

C. M. C.

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A.

LEGATION OF THE UNITED STATES,
St. Petersburgh, May 1–13, 1863.

The undersigned, minister plenipotentiary and envoy extraordinary of the United States of America, under the instructions of his government in 1861, called upon Prince Gortchacow, the vice-chancellor of the Russian empire, and asked his co-operation in the making of a telegraph line, connecting Russia with the United States. His excellency the Prince then said that the Russian government was building and would build the line itself. Under these circumstances, the undersigned did not feel at liberty to renew the application in favor of a charter to Perry McD. Collins, esq., who had at great personal risk and expense explored the route from Moscow to the mouth of the Amoor. Since then, however, great progress has been made in the science and art of telegraphing, and citizens of the United States, aided by the government, have completed a telegraph line from New York city, on the Atlantic ocean, to San Francisco, on the Pacific sea. The completion of that road renders more anxious the people of the United States to perfect their original design of uniting with the Russian line, and thus connecting with all the continents.

Under these circumstances, the American minister, invited by his excellency the vice-chancellor, called upon and had a frank conversation with your excellency upon the proposed telegraphic line. And as your excellency was pleased to invite the undersigned to make a written statement of his views for the use of the committee named by his Imperial Majesty for the consideration of Mr. Collins's project, he would respectfully present the following scheme and arguments for the use of said committee. Let the Russian government grant to P. McD. Collins and company the following privileges:

1. The name.—"The Russian and American Telegraph Company."

2. A perpetual charter to build a telegraphic line of two wires from Nicolaiefsky, in Russian Siberia, to San Francisco, in the United States of America, say 5,000 English miles, or 7,500 Russian versts, by way of Behring's straits, or by way of the Aleutian islands, at the option of said company.

3. Right of way without restriction.

4. Exclusive privilege of telegraphing over Russian territory with the North American continent.

5. *Pecuniary conditions.*—The said company to be allowed forty per cent. of all the gross proceeds of such telegrams as shall pass over the Russian lines to or from America, and the Russian government to retain sixty per cent. of the same. And fifteen years from the completion of said line the Russian government to pay said company one hundred thousand dollars subsidy for ten years, then said subsidy and said forty per cent. to cease forever, the said company having only the profits of their own telegrams passed over their own lines under their tariff.

6. The Russian government to grant said company the exclusive control of the native tribes through which said line shall pass, who, at present, are not under the directing authority of the Russian government, in order to prevent the sale of arms, munitions of war, ardent spirits, &c., on the part of persons not under the employ of the said company, and in order to secure their friendship and protection of said line by subsidy and other pacific means.

The undersigned takes the liberty to make a few remarks upon each of the above heads.

1. The name is proper, and such company necessary.

2. The route is the best one in the world for the union of the continents. Both routes, by the said straits, and by said islands, should be open for the company's best selection, after proper surveys. That by the straits would

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seem to be preferable, because it does not so much jeopard the cable as the island route, and because, as population advances, it may be made useful for intermediate telegrams. It could also, perhaps, be best secured to Russia from damage in times of war with other nations.

3. Right of way without restriction need not be argued, as no capitalist would invest money upon any condition short of this.

4. Exclusive right of telegraphing—necessary for the same reasons. For who would make the outlays of exploration for others' use?

5. With respect to the subsidy of forty per cent., it seems equitable and highly advantageous to the Russian government, because it brings sixty per cent. of new profits created entirely out of the enterprise and capital of said company by pouring the telegrams of a continent upon her lines. The undersigned believes that said sixty per cent. of new profits will greatly more than pay the annual subsidy of $100,000, which is only asked after fifteen years from the completion of said line. To the San Francisco line the United States have given a subsidy of $40,000 per annum for ten years, and to the Atlantic Telegraph Company they have given a subsidy of $70,000 per annum for twenty-five years, to which England has added as much more, making in all a subsidy of $140,000 per annum, besides the large amount granted said company in surveys, and the laying of the cable, which amounted to many hundreds of thousands of dollars. When such subsidies of forty per cent. and $100,000 per annum, at the end of ten years, shall have ceased, Russia will have poured upon her telegraphic wires the intelligence of a continent, which will probably more than support the telegraphic system of the whole empire forever.

6. The control of the native tribes is altogether necessary to the company; for no man would invest millions of dollars to be under the good or ill will of other persons. There can be no objection to this on the part of Russia, because all the care and civilization of said tribes inures to the benefit of the Russian government; for the company, at their own expense, are but pioneers to the extension of the arms, the trade, the population, and the revenues of Russia.

The undersigned might stop here, but the Russian government will not fail to see how much the United States, as well as Russia, are interested in not having the telegraphic intelligence of the world confined to the Atlantic line, in the sole possession of the British nation. And in asking for a liberal charter to the said company, he does not seek exclusive privileges for his own countrymen, for in the pecuniary investment Russian and American citizens may alike enter, whilst the interests of civilization and world-wide commerce will be indefinitely advanced.

The undersigned confidently reposes these, his own and his country's, hopes upon the liberality and good sense of the committee, and prays, as an excuse for these lengthy remarks, the great interest which his government, the telegraphic companies of the United States, and the people of his country, take in the vast project which, in the providence of God, they have the honor to decide.

He begs you, general, to accept the assurances of his most sincere regard.

C. M. CLAY.

General IGNATIEFF,

Aide-de-Camp General and Chief of the Asiatic Department,
Ministry of Foreign Affairs, St. Petersburgh, Russia.

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Mr. Clay to Mr. Seward.

No. 8, official.] LEGATION OF THE UNITED STATES,
St. Petersburgh, Russia, June 2, 1863.

SIR: I have the honor to acknowledge your despatch No. 8. So soon as it was received I enclosed a copy of your note to Mr. Dayton to his excellency Prince Gortchacow, with the following remarks of my own:

"No. 4.] "LEGATION OF THE UNITED STATES,
"*St. Petersburgh, Russia, May* 18–30, 1863.

"The undersigned, minister plenipotentiary and envoy extraordinary of the United States of America, has the honor to have received from his government a copy of a note addressed by the Secretary of State to our minister at Paris in response to a communication of M. Drouyn de l'Huys to the government of the United States, the contents of which he is instructed to communicate, in an 'informal way,' to the Russian court. The American minister knows not how better to perform this agreeable duty than to enclose to his excellency Prince Gortchacow, vice-chancellor and minister of foreign affairs to his Imperial Majesty, a true transcript of that note, which he here does, marked A.

"The undersigned is highly gratified to find his government thus sustaining so fully the sentiments which, indirectly in reference to Poland, he had, upon the occasion of his late reception, the honor to express to his Imperial Majesty.

"The American minister avails himself of the present occasion to renew to his excellency Prince Gortchacow the assurances of his most distinguished consideration.

"C. M. CLAY."

Your letter was received Saturday. Sunday I sent the copy of your response to Mr. Drouyn de l'Huys to the vice-chancellor, and to-day, the 2d of June, by request, I called upon Prince Gortchacow, who asked of me the liberty to publish your note. I agreed to its publication, and for the following reasons: Your position was just, and therefore could not be offensive of right to our powerful rivals, who are acting offensively towards Russia. Whatever result it was calculated to produce on England and Farnce has already been effected. Its publication would aid Russia by our moral support at home and abroad, and that support is needed at once, and its force might be lost by the delay of asking further instructions from you. And lastly, and above all, I felt that it was due from us to be grateful for the past conduct of Russia towards us in our troubles, by a like moral support of herself in defence of the integrity of her empire.

Whilst I shall always feel the necessity of making my action harmonize with yours in general policy, which you have the right to dictate, in the absence of special instructions, I shall pursue the same frank and just conduct in state affairs which I hold to be proper in private life.

Trusting that my course will be approved by the department, I am, most truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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Mr. Seward to Mr. Clay.

No. 15.] DEPARTMENT OF STATE,
Washington, June 6, 1863.

SIR: Your despatch of May 7 (No. 3) has been submitted to the President, and is approved. The speech which you addressed to his Imperial Majesty truthfully made known the sentiments of this government towards Russia, and it has received with much satisfaction the renewed assurances of friendship and good will which the Emperor gave you on the occasion of your presentation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, *&c., &c., &c.*

Mr. Seward to Mr. Clay.

[Extract.]

No. 18.] DEPARTMENT OF STATE,
Washington, June 12, 1863.

SIR: Your despatch of May 19 (No. 4) has been submitted to the President. You will have learned from a previous communication of mine the sentiments which his government has thought proper to express concerning the condition of affairs in Poland.

* * * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, *&c., &c., &c.*

Mr. Seward to Mr. Clay.

No. 19.] DEPARTMENT OF STATE,
Washington, June 16, 1863.

SIR: Your despatch of the 19th ultimo (No. 5) has been received. In reply, I have to inform you that the Russian and American Telegraph project of Mr. P. McD. Collins, to which it relates, is under consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., *&c., &c., &c.*

Mr. Clay to Mr. Seward.

No. 10.] LEGATION OF THE UNITED STATES,
St. Petersburgh, Russia, June 17, 1863.

SIR: I have the honor to acknowledge the receipt of your note No. 11, for which I thank you. Prince Gortchacow, having asked my permission, has published his note to me, on the reception of your letter to Mr. Dayton upon Polish intervention, in the St. Petersburgh Journal. The whole correspondence seems to have been most gratifying to the Russians.

It gives me great pleasure to announce to you that at last the Russian government has yielded to the solicitations of P. McD. Collins, esquire, and myself,

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and granted to such company as he may favor a charter for building the Russian American telegraph line from Nicolaivski, on the Amoor river, in Eastern Siberia, by way of Behring's straits, on the Aleutian islands, to San Francisco, in the United States.

On yesterday I received formal notice, through General Ignatieff, aide-de-camp general, &c., that his Majesty the Emperor had signed the grant. The charter is a liberal one; giving free right of way and building materials, exclusive privilege for thirty-three years from the time of its completion, and a subsidy of 40 per cent. net upon all through telegrams of the Russian lines. The Russian government obligates itself to complete their line to Nicolaivski in three years from the notice given them that the said company has complied with the conditions named and are ready to begin work. So that if Mr. Collins gets a favorable charter from England for passing through British America, and some aid from the United States, we may expect in about three years or less to see the work accomplished.

There is no estimating the results of this union of all the continents, in commercial, political, and moral intelligence—its influence upon the peace, the development, the civilization, and the union of the nations. I cannot but regard it as an illustrious era in the history of the world's progress, and I congratulate myself that my mission at this court has been signalized by an event so auspicious to our own country and to mankind.

I have the honor to be your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Clay to Mr. Seward.

[Official.]

No. 9.] LEGATION OF THE UNITED STATES,
St. Petersburgh, Russia, June 7, 1863.

SIR: Your despatches Nos. 9 and 10 are received. I have the honor to enclose you Prince Gortchacow's letter in response to my note, and transmission of a copy of your letter to Mr. Dayton upon Polish intervention. I have translated it from the French, and it is here appended, marked A.

I am, very truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

A.

Reply of Prince Gortchacow to Mr. Seward's letter to Mr. Dayton.

[Translation.]

ST. PETERSBURGH, *May* 22, *(O. S.,)* 1863.

SIR: I lost no time in laying before the Emperor, my august master, the despatch which you have communicated to me, by order of your government, and which contains the answer of Mr. Seward to Mr. Dayton, relative to a recent application *(demarché)* of the French government upon the subject of events in the kingdom of Poland. His Majesty the Emperor has been sensibly *(vivement)* moved by the sentiments of confidence which the government of

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the United States of America places in his views and designs in regard to the general well-being of his empire. That confidence our august master believes he has deserved; and it is necessary to him, in order that he may perfect what he has undertaken. It is to his Majesty a source of sincere satisfaction to see that his persevering efforts to guide with order and without disturbance all the parts of his empire in the way of regular progress are justly appreciated by a nation towards which his Majesty and the Russian people entertain the most friendly sentiments. Such manifestations must strengthen the bonds of mutual sympathy which unite the two countries, and constitute a consummation which too much accords with the aspirations of the Emperor for his Majesty not to look upon it with pleasure.

His Majesty has equally appreciated the firmness with which the government of the United States maintains the principle of non-intervention, the meaning of which in these days is too often perverted; as well as the loyalty with which they refuse to impose upon other states a rule, the violation of which, in respect to themselves, they would not allow.

The federal government gives thus an example of justice and political probity, which must increase the esteem which our august master has avowed towards the American nation.

Be pleased, sir, to transmit to Mr. Seward the expression of these sentiments of his Imperial Majesty, and receive, at the same time, the assurance of my most distinguished consideration.

GORTCHACOW.

Mr. CLAY, *&c., &c., &c.*

Mr. Seward to Mr. Clay.

No. 20.] DEPARTMENT OF STATE,
Washington, June 19, 1863.

SIR: Your despatch of the 25th ultimo (No. 6) has been received. Accept my thanks for the interesting information which it contains.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, *&c., &c., &c.*

Mr. Seward to Mr. Clay.

No. 23.] DEPARTMENT OF STATE,
Washington, June, 1863.

SIR: Your despatch No. 7 has been received, and I give you my sincere thanks for the information it furnishes concerning the progress of the discussion respecting Polish affairs, which so deeply concern the empire of Russia, and at the same time necessarily excite much general interest throughout Europe.

I have to thank you also for the account you have given me of the sentiments expressed to you by Lord Napier, concerning the relations between his country and the United States. They are as honorable to him as they are friendly to us, and, what is more important, they seem to be in harmony with recent manifestations of opinion on the part of the British government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., *&c., &c., &c.*

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Mr. Seward to Mr. Clay.

No. 24.] DEPARTMENT OF STATE,
Washington, June 30, 1863.

SIR: I have received your despatch of the 2d instant, (No. 8,) relative to my instruction of the 11th ultimo (No. 342) to Mr. Dayton, in reply to the instruction addressed by Mr. Drouyn de l'Huys to Mr. Mercier, on the 23d of April last, respecting the Polish insurrection.

While this government could not with propriety publish the correspondence, it could not object to its publication by either of the powers to whom it was furnished.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Seward to Mr. Clay.

No. 25.] DEPARTMENT OF STATE,
Washington, July 2, 1863.

SIR: Your despatch of the 7th ultimo (No. 9) has been received, and is approved.

It is my pleasing duty to inform you that the reply of Prince Gortchacow to your note, enclosing to him a copy of my instruction of the 11th of May last, to Mr. Dayton, relative to the Polish insurrection, is regarded by the President with entire satisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Seward to Mr. Clay.

No. 27.] DEPARTMENT OF STATE,
Washington, July 13, 1863.

SIR: Your despatch of the 17th of June (No. 10) has been received. The publication of Prince Gortchacow's note to you, on the subject of the reply of this government to the recent suggestions concerning the affairs of Poland, is entirely satisfactory.

It is an occasion of sincere satisfaction that a charter has been granted by the Emperor for the extension of the telegraph through the Russian dominions, so as to be ultimately connected with the continental telegraph which is established throuh the interior of the United States. This great act furnishes a new illustration of the wisdom of the Emperor of Russia, of his friendship towards theU nited States, and his good will towards all foreign nations.

Mr. Collins having informed me of the granting of the charter, and of his intended visit to London, with a view to obtain co-operation of the British government, I have, by the President's direction, commended his wishes to the support of Mr. Adams, minister plenipotentiary of the United States at that place.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

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Mr. Seward to Mr. Clay.

No. 31.] DEPARTMENT OF STATE,
Washington, August 12, 1863.

SIR: Your interesting despatch of July 23 (No. 14) has been received. My information from the various European capitals being duly collated, has produced a very strong conviction, that although the diplomatic discussion upon the Polish insurrection may be protracted, and may possibly become an angry one, yet there will be no attempt at actual intervention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., *&c., &c., &c.*

Mr. Clay to Mr. Seward.

[Extract.]

No. 19, official.] LEGATION OF THE UNITED STATES,
St. Petersburgh, Russia, September 2, 1863.

SIR: I am in the regular receipt of your late despatches, including the lost No. 30. The late responses of the three powers to Prince Gortchacow have not yet been made public, but it is generally admitted that no war will be the result, at least this year. In the mean time Russia does not relax her defences by land and sea, and the Emperor has made himself popular anew with the disaffected nobles, by the spirit with which he defends the integrity of the empire.

All Americans with whom I have conversed agree that it is more important to carry out the conscription ordered by Congress and the President than to put down the southern rebellion. The power of the national government "to raise and support armies," so clearly given to Congress by the Constitution, is all-important to our national existence, without which we would relapse into the impotency of the "old confederation," and weakness of the Germanic confederation.

It is the part of the southern rebels, their northern and foreign allies, to strip us of this essential national vitality, which would ultimately insure disunion, and reduce us to Mexican imbecility before foreign subjugation. With intense interest, then, have we watched the action of the President; and much do we rejoice to believe that he will go on with the conscription, without fear or compromise. It will settle the fatal heresy of state rights forever, and make our nationality a fixed fact before the world. * * * * * *

I am, truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Clay.

No. 34.] DEPARTMENT OF STATE,
Washington, September 3, 1863.

SIR: I have the honor to acknowledge the reception of your two despatches, namely: No. 16, of the 25th of July, and No. 17, of the 5th of August.

The information recently received from Europe confirms the impression I

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have already communicated to you, that the western powers will take care to avoid a war with Russia, at least throughout the present year.

Your suggestions in regard to the policy proper to be observed in reference to the conduct of our civil war, and the subject of slavery, has been submitted to the President.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Seward to Mr. Clay.

No. 35.] DEPARTMENT OF STATE,
Washington, September 5, 1863.

SIR: Your despatch of the 13th of August (No. 18) has been received, and the information it communicates, relating to the events occurring in Poland, is appreciated.

Your account of the character of the French note to Russia, and the anticipated tone of the Austrian and British notes, accords, in all respects, with the understanding that has obtained here on that subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

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NETHERLANDS.

Mr. Pike to Mr. Seward.

[Extract.]

No. 66.] UNITED STATES LEGATION,
The Hague, November 19, 1862.

SIR: I have to acknowledge the receipt of your despatch of October 20, and of a circular signed by the Secretary of the Treasury, containing instructions to collectors and other officers of the customs, brought by the mail of last week. The last two mails bring me none of your favors.

While discussing mediation, Europe really waits for the development of a public sentiment in America in regard to terminating the war. It sees in the late elections what it construes to be a desire to end the conflict at whatever sacrifice is necessary to secure this result.

* * * * * * * * *

It was never plainer to my apprehension than it is now that no power in Europe intends to take a hand in our war.

This little kingdom continues to pursue its peaceable ways. It is blessed with discreet and substantial men for its rulers. The administration of M. Thorbecke is still actively engaged in administrative reforms, in easing the burdens of taxation, and in modifications of its colonial policy in the interests of the industrial classes.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pike.

No. 80.] DEPARTMENT OF STATE,
Washington, December 6, 1862.

SIR: Your despatch of November 19 has been received.

The fact has not escaped the notice of this government that the Emperor of France has opened a correspondence with two other European powers in regard to our affairs. I cannot justly say that this proceeding was necessary to re-inspire the American people with devotion to the Union; but I can say that it operates very effectually in this manner.

We shall settle our disturbances, I think, in good time, and in our own way, without foreign aid, and, I hope, without foreign intervention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c.

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Mr. Pike to Mr. Seward.

[Extract.]

No. 68.] UNITED STATES LEGATION,
The Hague, December 17, 1862.

SIR: I have had the honor to receive your despatch of the 21st of November, No. 79. It is gratifying to be assured that Congress will return to a wise system of finance so unfortunately departed from at the last session. The act of making government paper legal tender roused a general distrust in commercial and financial circles in Europe, which a promise to continue to pay the interest on government bonds in coin failed to allay. It was argued that the temper which prompted the greater assault on capital would not stick at the less, when necessity pressed. The result is seen in the general collapse of American securities in European markets, and the yet growing distrust of our financial management, a result which sound financiers do not believe to be a necessary consequence of the war, or of any circumstances which have yet arisen in its prosecution.

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I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pike.

No. 81.] DEPARTMENT OF STATE,
Washington, December 23, 1862.

SIR: Your despatch of the 3d of December (No. 67) has been received.

From some of our representatives in Europe there continue to come such expressions of apprehension and such warnings of danger as to embarrass the President, who is disposed to take a more cheering view of our foreign relations, at this time, than he has allowed himself to indulge at any previous period since the civil war commenced.

It is earnestly hoped that your opinions in this respect, so decidedly concurring with his own, and, at the same time, so plausibly if not reasonably sustained by a survey of European politics, may be confirmed.

I am, sir, your obedient servant,
WILLIAM H. SEWARD.

JAMES S. PIKE, Esq.

Mr. Seward to Mr. Pike.

[Circular No. 30.]

DEPARTMENT OF STATE,
Washington, December 24, 1862.

To the Diplomatic and Consular officers of the United States:

The necessity of devising new modes of protecting the interests of the revenue of the United States, and of carrying such methods into execution, makes it desirable that the Treasury Department should be informed of the means

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adopted by the several nations of Europe for the protection of their respective revenues and the collection of duties in the passage of goods across the national frontiers, and in the transhipment in their ports for export to a foreign land.

I have therefore to request, at the instance of the Secretary of the Treasury, that you will furnish the department with such information upon this subject as you can obtain in respect to the country of your official residence; also, with the forms which are used, and the rules and regulations in force, the fees charged, and other expenses incurred in the foreign revenue service.

WILLIAM H. SEWARD.

Mr. Pike to Mr. Seward.

[Extract.]

No. 69.] UNITED STATES LEGATION,
The Hague, December 24, 1862.

SIR:

* * * * * * * * * *

The last mails have brought us Mr. Chase's report on the finances, which was looked for with much interest in this money-lending country. Its exposition is assuring, and its tone is regarded with much satisfaction. Should Congress follow in the path he has marked out, American securities will begin to improve from their declining condition here, and a basis be formed for future loans.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pike to Mr. Seward.

No. 70.] UNITED STATES LEGATION,
The Hague, December 31, 1862.

SIR: I have to acknowledge the receipt of your despatch of December 6, No. 70.

The President's message, the American diplomatic correspondence of 1862, and Mr. Bright's Manchester speech, all appearing at the same time, have given a great fillip to the discussions of the American question.

The anti-slavery position of the government is at length giving us a substantial foothold in European circles. And the seceding States are at the same time feeling the heavy weight of the slavery load.

If we could have begun where we now stand, our position in Europe would at this moment be well nigh impregnable in the field of discussion. The American question has now become a dangerous one for the ruling classes, in every deliberative body in Europe.

So long as it was a question between a government and a revolt, the instincts of even the liberal masses had a tendency to side with the rebellion; revolts being instinctively regarded as merely protests against some form of oppression. But everybody can understand the significance of a war where emancipation is written on one banner and slavery on the other. And thus, though we have no strength with any political organization in Europe, we are now strong in the public assembly and in the press, constraining, at least, the respect of even the

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paid advocates of dynastic rule; while the solid weight of debate, private and public, goes wholly in our favor. We need not now fear, but rather welcome the parliamentary discussions which it is to be supposed will come in England and elsewhere during the winter.

The main drawback to these considerations is to be found in our repeated misfortunes before Richmond. The repulse of General Burnside at Fredericksburg is a heavy blow to the remaining belief in Europe of our ability to conquer the rebellion in the field. If the emancipation scheme fails, there is danger that we shall soon be regarded everywhere on this side as being destined to fail altogether.

But this will not help the bad position of the seceding States, but, on the other hand, rather tend to uncover the atrocity they meditate; the growing probability of the realization of their designs bringing them into bolder relief.

It is an often expressed hope in financial circles that our courts will declare the legal-tender enactment of last year to be unconstitutional. It is thought if this should be done, and Mr. Chase's recommendations be sustained by Congress, that our financial situation would soon again command the confidence of capitalists abroad.

The present administration of this government is still busy with its reformatory measures. It has aimed at considerable changes in its colonial policy, which have at last received a decisive check in one branch of the legislative department, and the retirement of the colonial minister is likely to be the consequence, and possibly the entire reconstruction of the cabinet.

I have not yet received any reply from this government in relation to the proposed emigration of colored persons to its colonial possessions from the United States.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pike.

DEPARTMENT OF STATE,
Washington, January 3, 1863.

SIR: You will receive herewith a copy of a proclamation which was issued by the President on the first day of January instant, in which he designates the States and parts of States which yet remain in insurrection against the United States, and gives effect to the proclamation which he issued on the 22d day of September last, and in which it was announced that the slaves within such States and districts would, as a measure of military necessity, on the said first day of January, be declared forever free. Through this great act, slavery will practically be brought to an end in eight of the States of this Union and in the greater portions of two other States. The number of slaves thus restored to freedom is about three and one-half millions.

The President entertains no doubt that this transaction will commend itself to the enlightened judgment and moral approbation of not only all Christian states, but of mankind.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., *&c., &c., &c.*

Same to all of the diplomatic and consular agents of the United States.

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By the President of the United States of America.

A PROCLAMATION.

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever, free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom:

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States, by members chosen thereto at elections wherein a majority of the qualified voters of such States shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States:"

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as commander-in-chief of the army and navy of the United States, in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaim for the full period of one hundred days from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans,) Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth,) and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are and henceforward shall be free; and that the executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons, of suitable condition, will be received into the armed service of the United States, to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States of America the eighty-seventh.

[L. S.]

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

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Mr. Seward to Mr. Pike.

No. 84.] DEPARTMENT OF STATE
Washington, January 5, 1863.

SIR: Your despatch of December 17 (No. 68) has been received.

Your suggestions in regard to the financial measures of the government will receive due consideration.

You will accept my thanks for the information you have obtained and given to me concerning the case of the rescue of a Dutch vessel, during the Crimean war, when proceeding to port for adjudication, under convoy as a prize, and the demand for her restitution, which was thereupon made by the British government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Pike.

No. 86.] DEPARTMENT OF STATE,
Washington, January 14, 1863.

SIR: I have to acknowledge the receipt of your despatch (No. 69) of the 24th ultimo, and to inform you that that part of it relating to finance has been communicated to the Secretary of the Treasury.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., *&c., &c., &c.*

Mr. Pike to Mr. Seward.

[Extracts.]

No. 72.] UNITED STATES LEGATION,
The Hague, January 14, 1863.

SIR: I have to acknowledge the receipt of your two despatches (Nos. 81 and 82) of the 23d and 24th of December.

* * * * * *

Europe is quiescent on American affairs. Since Fredericksburg, it too generally countenances the belief that the United States cannot conquer the rebellion in its fastnesses with their troops in the field. It waits now to see what will result from the proposed emancipation measures.

Time is fast showing who is right and who is wrong in their views of foreign interference in our affairs. I am well pleased to be informed that the President concurs in the opinion I have had the honor to express on a former occasion on this subject. My own judgment is, that not even Fredericksburg will prompt any act of recognition.

It is not single occurrences that exercise a controlling influence over the views here taken of our concerns, but only the general march and aspect of events. These of late have not been favorable, but nobody knows how soon things may take a turn if the government continues resolute in its purposes. Europe will thus wait till the government itself flags, though always with a chronic distrust of the wisdom and constancy of popular rule.

The late elections are taken to imply a coming capitulation to the insurrec-

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tion, and the recent cabinet crisis to evince inopportune impatience in quarters that ought to be steady enough to calm rather than to increase the disorders of the state.

Yet, amid all the disasters and perplexities of the situation, the feeling, on the whole, is one of surprise at the regular workings of the American system, and there is not any rush to precipitate conclusions in regard to our affairs.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pike.

No. 87.] DEPARTMENT OF STATE,
Washington, February 4, 1863.

SIR: Your despatch of January 14 (No. 72) has been received, and the President is specially gratified with the calmness and confidence which pervade the views you have expressed concerning the condition of our national affairs as it is understood in Europe.

We have entered upon new campaigns, whose events cannot fail to affect public opinion abroad as well as at home. We have boundless and excited discussions, as might be expected among a free people, and all these discussions are overheard with exaggeration of the tone of the disputants in foreign countries. Nevertheless, it may very well be doubted whether any other government, whatever its constitution, has gone more steadily, more firmly, more dispassionately, or more energetically through trials equal to those we have already surmounted.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., *&c., &c., &c.*

Mr. Pike to Mr. Seward.

No. 74.] UNITED STATES LEGATION,
The Hague, February 4, 1863.

SIR: I have none of your favors to acknowledge since my last.

The Dutch cabinet has at length repaired its loss by the substitution of Mr. Van Putte as colonial minister, in place of Mr. Uhlenbeck, who was forced out by a vote of the upper house, in December. Mr. Van Putte is a self-made man, who has risen by his own exertions from the occupation of a common sailor. His colonial policy, which is likely to be the same as that of his predecessor, will not be brought to trial until July, up to which period the cabinet will probably go on undisturbed.

The late news from America makes our writing enemies on this side very active against us. They point especially to the state of our finances, which they argue are about to collapse, and that ruin to our cause will follow.

Cooler and more candid men express very different views of our affairs.

It is thought by them, also, that we have gone as far as prudence will allow on a paper money basis, and that the time has come for a resort to war taxes. They believe if we were to do no more than double our existing internal taxation, that, with our duties on imports, we would have enough to defray four-fifths of the expenses of as large a war as we are able to make, profitably, and as large

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as we need to make to ruin the cause of the rebels and make them sue for peace. They believe we are abundantly able to reduce the difference between our receipts and expenditures to one hundred millions of dollars per annum, and that the augmentation alluded to, with a due economy of expenditure, would accomplish this result. Once achieved, it is felt that the government could carry on the war without either losing its credit or exhausting itself, and that it would thus still continue to remain master of the situation.

But I think all feel that the attempt to carry on hostilities in the future by means of fresh issues of the currency, now measuring its own redundancy by the large premium of fifty per cent. on coin, will create a great danger of the consequences that our enemies are so eager to advertise as already overspreading the country.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State; Washington.

Mr. Pike to Mr. Seward.

No. 75.] UNITED STATES LEGATION,
The Hague, February 11, 1863.

SIR: I have the honor to acknowledge the receipt of your circular No. 30, dated the 24th of December last, in respect to the means adopted by the several nations of Europe for the protection of their respective revenues and the collection of duties in the passage of goods across the national frontiers and in the transhipment in their ports for export to a foreign land.

I have taken measures to obtain from the finance department the necessary information on this subject, so far as the question relates to this kingdom.

I am also in receipt of your despatches, Nos. 85 and 86, under date of January 14.

I have applied for the recognition of Mr. Morse, in his consular capacity at the island of Curaçoa, which, when received, I shall forward to him according to your instructions.

The interest and solicitude in regard to our war is now turned almost exclusively upon its financial aspects. The opinion has become very general—almost universal—that it must soon terminate unless it is brought within more manageable compass and placed on a broader basis of taxation.

It is vaunted in all hostile circles that if the confederates are able to hold out only a short time longer—of which their success thus far gives strong assurance—the efforts to subdue them must be suspended in consequence of the exhaustion of the resources relied on by the government.

It is not doubted, however, as I had the honor to observe last week, that if the country chooses to incur additional taxation, and to reduce its armies to more moderate demensions, that it possesses the ability to protract the war indefinitely, and until it shall effect its objects in the final reduction of the rebels.

But so long as they and everybody else see that the lapse of time will rapidly exhaust the means provided by recent legislation for prolonging the contest, it tends to excite the hopes of enemies and the fears of friends in Europe, among whom we number many noble men, equally anxious with ourselves that the nation shall not waste or misapply its strength.

The experience of Europe, from which the laws of finance have been mainly deduced, forbids confidence in paper money issues where they are not held in

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check by redemption in coin, and the news of the new issues ordered by Congress has resulted in a further depreciation of American securities and fresh apprehensions of coming financial and political disasters.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pike to Mr. Seward.

No. 76.] UNITED STATES LEGATION,
The Hague, February 18, 1863.

SIR: I think I may safely say that, whatever our embarrassments may still be at home, our transatlantic difficulties are mainly overcome.

The question of the recognition of the Confederate States by the leading powers it is now plain is indefinitely postponed. It seems to be at last authoritatively proclaimed that until the United States desist from their attempt to put down the rebellion, the great states will not recognize the confederate government.

The motives which prompted the withholding of this announcement when it might have cut short the insurrection, and its utterance now, will be variously interpreted. Whatever those motives may have been, the effect of what has been done is incontestable. It was the best course to exhaust to the utmost both combatants.

The other great point of solicitude, the cotton question, is in a great measure quieted. The equilibrium between demand and supply has been reached sooner than was anticipated. The returns show that for two months the stock of cotton in Europe has not diminished, and is nearly as large as usual, while the prospective receipts for the remainder of the year are computed to be considerably in excess of last season. England and France have reduced their consumption of raw cotton one-half. They formerly used nearly three million bales per annum. They are now consuming about one and a half million. And the open markets of the world are now able to supply them this quantity, and the rest of Europe in proportion. The deficient product is made good by reduced consumption and the extra product of wool and flax. The rise in the price of wool, in which there were extensive speculations last autumn, has been checked, and the spring opens on declining prices for that great staple to the extent of at least ten per centum, and the market is regular.

There is hardly any more extraordinary spectacle growing out of our war than the fact that the revenues and expenditures of England and France, and their commercial relations generally, for the year 1862, exhibit scarcely any disturbance in consequence of the failure of the supply of American cotton. If cotton has failed, other things have not, and the deficiency is made up in one way or another. Fortunately, the sheep is as much of an annual crop as cotton, and can be increased almost at will.

It is thus, that at the end of less than two years from the commencement of our war, the perturbations of the European cotton market, from which so much was feared, have measurably ceased, excepting so far as they grow out of uncertainty in regard to the termination of the contest. The industry thrown out of employment is gradually finding its way into other channels, and though there is great local loss and suffering, it is fast absorbed in the general prosperity.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

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Mr. Pike to Mr. Seward.

No. 77.] UNITED STATES LEGATION,
The Hague, February 25, 1863.

SIR: There is a hopeful sign here in respect to our finances. The money men of Holland have begun to buy our government securities. There is quite a general movement at Amsterdam in this direction, where our 6 per cents. are being taken up at about 64. At the lately ruling rates for gold in New York this price pays a small profit on stock purchased in that city. There have been no large operations, but each capitalist is taking a moderate sum and laying it away to wait for results. Of course, the movement is based on the conviction that our finances have about touched bottom. I do not doubt that a good deal of this feeling has arisen from the decided opposition that Mr. Chase has manifested to any further debasement of the currency, and to the conviction that he is both able and determined to get our money affairs on to a better basis. Should this conviction be fortified by further experience, we may look to see the movement take a wider sweep and our securities gradually rise. Our chief difficulty is, that the constant issue of legal-tender notes, which are here believed to be the most mischievous form of government paper, and which have already reduced the income on American securities almost one-half to European holders, deters investors from buying even the government stocks where the interest is payable in coin. They fear lest they may suddenly find themselves compelled by law to take "legal tender" for their interest money, and unless they can count upon a limit to its issue they do not know whether they are in the end to get even a 2 per cent. income. The government credit would unquestionably still further improve if its policy was seen to be fixed in opposition to further issues of this description. The intelligence by the last mail that Congress is engaged upon a new tax bill, which will add one hundred millions to the revenue, is very assuring, and the very thing that was needed here to still further stimulate the disposition to buy government stocks.

The propositions made in Congress to employ black soldiers by the government is attracting attention here, by reason of the fact that it is a subject on which this government has had experience. Some years ago they wanted soldiers for service in Java, where the climate is deleterious to the whites. They accordingly went to their settlements in Africa, near the Cape, and enlisted 3,000 raw Africans. These men were transported to Java and properly disciplined, when they were found to make some of the best fighting soldiers the government ever had in service. They became renowned for their enthusiasm and prowess, and every way exceeded the expectations formed of them. An arrangement was entered into for an additional supply, but, owing to English interference, only the original 3,000 were sent. Many of these acquired military medals, and others became thriving persons in the colony, at the expiration of their term of service. The upshot of the Dutch experience is that no better soldiers than the African need be sought for.

The late Duke Bernhard, of Saxe-Weimar, who held command in the Dutch East Indies for several years, expressed similar opinions to me last year.

I have had the honor to receive your despatch of the 4th of this month, No. 87.

I have the honor to be your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

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Mr. Seward to Mr. Pike.

No. 89.] DEPARTMENT OF STATE,
Washington, February 28, 1863.

SIR: Your despatch of the 4th of February has been received.

Congress is near a constitutional adjournment. Its debates are wholesome, and its measures are vigorous. They seem to the President very judicious; and the public mind, raised to a full comprehension of the crisis, seems to be daily gaining reassurance and inflexibility of purpose to maintain the integrity of the country and its Constitution.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Pike.

No. 90.] DEPARTMENT OF STATE,
Washington, March 2, 1863.

SIR: Your despatch of February 11 (No. 75) has been received.

Congress has adopted, from among the measures which the national exigencies suggested, those which its wisdom has approved for the prosecution of the war to a favorable conclusion. They are energetic and comprehensive. The condition of the forces is favorable, their positions are satisfactory, and the tone of the public mind is believed to be improving.

Experience has shown that it has been impossible to conform the policy of the government, in a crisis of civil war, to the views and wishes of European statesmen, who reasoning from present European interests, regard a peace, however obtained and at whatever cost, preferable to a prosecution of the war at all; and who, at every stage of the controversy, see only the difficulties, embarrassments, and disappointments of the nation, and take no notice of the contraction and exhaustion of the insurgents.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., *&c., &c., &c.*

Mr. Pike to Mr. Seward.

No. 78.] UNITED STATES LEGATION,
The Hague, March 4, 1863.

SIR: The movement in our government stocks, to which I referred in my last, has manifested itself during the past week with increased activity. The rise for the week has been four or five per cent. at Amsterdam, with large sales, though with a slight falling off towards the close. The basis of a permanent advance has, I think, been laid; and I have done what I could, by my conversations with capitalists here, who are among the recent purchasers, to encourage it. I base my representations on the clearly expressed views of Mr. Chase in his annual report, and my belief that he will adhere to the policy of restricting the issue of legal-tender notes, and that the payment of the interest in coin will be resolutely maintained. The Dutch capitalists, unlike many of the English, have no prejudices against us, and have larger and more liberal views in regard to our resources, and belief in our ability as well as disposition to pay, than I

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have expected to find. They are already very extensively embarked in American securities of all sorts, and have, for the most part, found them profitable. As I have on former occasions remarked, this country teems with capital; and setting aside the investments in the Dutch national debt, a very large portion is invested in foreign securities. The area of the country being small, and its development being more agricultural than mechanical and manufacturing, and its commerce being restricted, it results that the immense annual accumulations of wealth are mostly compelled to seek employment out of the country. And there is not that indisposition to speculative enterprises, either, that one would expect to find from the known characteristics of the Dutch people. I think there are few profitable enterprises in any part of the world where Dutch capital is not to be found. It is thus that their survey of the concerns of other countries is more broad and intelligent than among those nations whose contemplations and efforts are turned more exclusively towards the development of their own resources. The same observations are in part true of the financial centre of Germany—Frankfort-on-the-Main.

I am hence persuaded that it is rather at Amsterdam and Frankfort that we are to find takers of our national loans than at London, and it is at these points that assurances of the policy of the government can be most effectually given, and where it could, by authoritative announcements, most directly advance its pecuniary interests. The movement in our stocks at Amsterdam has been followed by a corresponding rise on the London exchange, as a matter of course. That market, in this instance, but obeys the impulse from Holland, however.

Our legal-tender measure gave a very heavy blow to our credit, inspiring doubts of our financial good sense, perhaps, rather than of our good faith. Many of the Dutch holders of American securities have declined to draw their dividends on account of the great depreciation of the currency caused by it, and await events which shall restore to some extent the equilibrium between paper and coin. Every step towards this result is received with great satisfaction; and could a reversal of the policy which seemed to dictate that measure be counted on, an immediate elasticity in all American securities would result, and in none more than in government obligations.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pike.

CIRCULAR.

DEPARTMENT OF STATE,
Washington, March 9, 1863.

SIR: By direction of the President, I transmit to you a copy of concurrent resolutions of the Congress of the United States concerning foreign intervention in the existing rebellion.

In compliance with a request made by that body, you are instructed to make the resolutions known to the government to which you are accredited. You will perform that duty by reading the resolutions to the minister for foreign affairs, or by delivering to him a copy thereof, if that course shall be preferred by him.

You are authorized to say, at the same time, that the resolutions are entirely in harmony with the principles and policy by which all the President's proceed-

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ings in regard to the question involved have been, and will continue in every emergency to be, regulated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., *&c.*, *&c.*, *&c.*

Same to all the diplomatic agents of the United States.

CONCURRENT RESOLUTIONS of Congress concerning foreign intervention in the existing rebellion.

Whereas it appears from the diplomatic correspondence submitted to Congress that a proposition, friendly in form, looking to pacification through foreign mediation, has been made to the United States by the Emperor of the French, and promptly declined by the President; and whereas the idea of mediation or intervention in some shape may be regarded by foreign governments as practicable, and such governments, through this misunderstanding, may be led to proceedings tending to embarrass the friendly relations which now exist between them and the United States; and whereas, in order to remove for the future all chance of misunderstanding on this subject, and to secure for the United States the full enjoyment of that freedom from foreign interference which is one of the highest rights of independent states, it seems fit that Congress should declare its convictions thereon: Therefore,

Resolved, (the House of Representatives concurring,) That while in times past the United States have sought and accepted the friendly mediation or arbitration of foreign powers for the pacific adjustment of *international* questions, where the United States were the party of the one part and some other sovereign power the party of the other part; and while they are not disposed to misconstrue the natural and humane desire of foreign powers to aid in arresting *domestic* troubles which, widening in their influence, have afflicted other countries, especially in view of the circumstance, deeply regretted by the American people, that the blow aimed by the rebellion at the national life has fallen heavily upon the laboring population of Europe: yet, notwithstanding these things, Congress cannot hesitate to regard every proposition of foreign interference in the present contest as so far unreasonable and inadmissible that its only explanation will be found in a misunderstanding of the true state of the question and of the real character of the war in which the republic is engaged.

Resolved, That the United States are now grappling with an unprovoked and wicked rebellion, which is seeking the destruction of the republic that it may build a new power, whose corner-stone, according to the confession of its chiefs, shall be slavery; that for the suppression of this rebellion, and thus to save the republic, and to prevent the establishment of such a power, the national government is now employing armies and fleets, in full faith that through these efforts all the purposes of conspirators and rebels will be crushed; that while engaged in this struggle, on which so much depends, any proposition from a foreign power, whatever form it may take, having for its object the arrest of these efforts, is, just in proportion to its influence, an encouragement to the rebellion and to its declared pretensions, and on this account is calculated to prolong and embitter the conflict, to cause increased expenditure of blood and treasure, and to postpone the much-desired day of peace; that, with these convictions, and not doubting that every such proposition, although made with good intent, is injurious to the national interests, Congress will be obliged to look upon any further attempt in the same direction as an unfriendly act which it earnestly deprecates, to the end that nothing may occur abroad to strengthen the rebellion or to weaken those relations of good will with foreign powers which the United States are happy to cultivate.

Resolved, That the rebellion, from its beginning, and far back, even in the conspiracy which preceded its outbreak, was encouraged by the hope of support from foreign powers; that its chiefs frequently boasted that the people of Europe were so far dependent upon regular supplies of the great southern staple that, sooner or later, their governments would be constrained to take side with the rebellion in some effective form, even to the extent of forcible intervention, if the milder form did not prevail; that the rebellion is now sustained by this hope, which every proposition of foreign interference quickens anew, and that without this life-giving support it must soon yield to the just and paternal authority of the national government; that, considering these things, which are aggravated by the motive of the resistance thus encouraged, the United States regret that foreign powers have not frankly told the chiefs of the rebellion that the work in which they are engaged is hateful, and that a new government, such as they seek to found, with slavery as its acknowledged corner-stone, and with no other declared object of separate existence, is so far

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shocking to civilization and the moral sense of mankind that it must not expect welcome or recognition in the commonwealth of nations.

Resolved, That the United States, confident in the justice of their cause, which is the cause, also, of good government and of human rights everywhere among men, anxious for the speedy restoration of peace, which shall secure tranquillity at home and remove all occasion of complaint abroad, and awaiting with well-assured trust the final suppression of the rebellion, through which all these things, rescued from present danger, will be secured forever, and the republic, one and indivisible, triumphant over its enemies, will continue to stand an example to mankind, *hereby announce*, as their unalterable purpose, that the war will be vigorously prosecuted, according to the humane principles of Christian states, until the rebellion shall be overcome; and they reverently invoke upon their cause the blessings of Almighty God.

Mr. Seward to Mr. Pike.

No. 91.] DEPARTMENT OF STATE,
Washington, March 12, 1863.

SIR: Your despatch of February 18 (No. 76) has been received. I think you have argued forth very successfully your conclusion, that the idea of European intervention is at rest. It is manifest enough that the elements of war here are becoming exhausted, although we do not yet see either the form of the peace which is to come, or the way through which it shall come. Military operations, now active, must have results which will be regarded as indications in these respects.

Our chief uneasiness now arises out of the unchecked naval preparations of the insurgents and their abettors in Liverpool. It seems that we are to have no relief in that quarter while the only measure we can adopt for our own security is not likely to be regarded with equanimity abroad.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Pike.

No. 94.] DEPARTMENT OF STATE,
Washington, March 25, 1863.

SIR: Your despatch of March 4 (No. 78) has been received, and is communicated to the Secretary of the Treasury. Should it elicit any remarks from him that would be useful, they will be promptly communicated to you.

Since the adjournment of Congress a very marked change of the public temper has become perceptible. It has acquired a confident tone. The nervous impatience that demanded activity, even if it feared disaster, appears to have passed away, and the people seem disposed to rely for success on the strength and perseverance of the national forces and the exhaustion of the insurgents. It is undeniable that the revolutionary paper has depreciated to the standard of five or six dollars for one; that the revolutionary agents are reduced to the necessity of impressing their supplies, and that want and destitution have begun among the people. While these changes have occurred there, the loyal regions are exhibiting an equal and contrasted change. The government paper has improved at the rate of forty per centum, and is now being so rapidly absorbed by the permanent funds as to leave us no apprehensions of a failure of money for all needful military and naval operations. The appeals of political parties in the elections of last autumn manifestly awakened all the doubts, fears, and disloyal passions that were existing in the country, and the display was so great

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as for a time to alarm patriotic men here, while it encouraged the enemies of the country abroad. There is a manifest reaction, and no calm and considerate man now apprehends any factious opposition or resistance to the government. It can hardly be expected that the true condition of things will be apprehended in Europe; but it is nevertheless apparent that the war is devastating and exhausting the insurrectionary regions, while it has not yet affected the resources or sensibly impaired the prosperity of the whole country.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Pike to Mr. Seward.

[Extract.]

No. 82.] UNITED STATES LEGATION,
The Hague, April 8, 1863.

SIR: * * * * * *

The speculation in American government stocks goes on at Amsterdam with unabated activity. Yesterday, news of an armistice, said to have been brought by the Australasian and telegraphed from Queenstown, was reported on the bourse, and our bonds rose five per cent. instantly. It appears now to have been a ruse of the operators. But the announcement produced extraordinary excitement, and sales went on at the rise So much are stock operators absorbed by the movement that complaints are made that everything not American is neglected. For example: a canal has long been projected to unite Amsterdam in a direct line with the sea-coast. This winter, government has approved the project and voted a guarantee of four per cent. on the capital necessary to construct the work. It has been expected that Amsterdam would earnestly contend for the privilege of subscribing for the whole capital. It turns out, however, that the subscription there, just completed, is not a third part of the sum needed. The King is indignant, and announces that Amsterdam must reform or he will not make his annual visit to that city, the period for which has now arrived. It is to be seen if the more inviting investments in American 6's at 65 are to be overlooked by reason of this evidence of the royal displeasure. It is likely to be found that Holland has money enough for both enterprises. I have communicated with Mr. Van der Mæser in respect to the non-intervention resolutions of Congress, and, as such was his preference, I have left with him a copy of them.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pike.

No. 96.] DEPARTMENT OF STATE,
Washington, April 13, 1863.

SIR: I have received your despatch (No. 77) of the 25th of February, and shall lay it before the Secretary of the Treasury.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

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Mr. Pike to Mr. Seward.

No. 84.] UNITED STATES LEGATION,
The Hague, April 22, 1863.

SIR: I have to acknowledge the receipt of your despatch of the 17th March, (No. 93,) covering copies of a letter from the Postmaster General, in relation to the proposed postal convention at Paris, which I have laid before the minister for foreign affairs. I have also your despatches (Nos. 93 and 94) under date of the 25th and 30th March.

I have heard nothing from the Secretary of the Treasury, though I have had shown to me a copy of a note from him to the agent of an Amsterdam banker in relation to a suggested loan from that quarter, in which he says he will communicate with me. As I hear nothing, the design may have fallen through.

The aspect of things in America calls forth some expressions of apprehension that we shall yet be involved in difficulty with England. And there are indications that the apprehension is shared in that country. It is to be hoped it may serve as an admonition to restrain that license of tongue, and that undisguised desire to break up our government and Union, which has marked the expression of leading English opinion from the beginning of the struggle.

In this patient country everybody views with comparative composure the progress of events. The last two weeks have reported violent fluctuations of public opinion in New York, and show corresponding vibrations on the exchange there. But all together, the great mutations in the price of specie included, have failed to disturb the quotations of American government securities to an extent of one per cent. in Amsterdam. Our five per cent. loan of 1858 stands steady at 63½, and our six per cents. of 1861 at 67; which is equivalent in our market to 67 for the 5's and 70 for the 6's, payable in specie. At these prices the business in Amsterdam is active.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pike to Mr. Seward.

No. 85.] UNITED STATES LEGATION,
The Hague, May 6, 1863.

SIR: Since my last, I have had the honor to receive your despatches (No. 96) of the 13th April, No. 97 of the 17th of April, No. 98 of the 20th of April, and No. 99 of the same date, together with the enclosures from the Treasury Department, the subject of which I shall bring to the attention of this government, as you direct. The medal for Captain Piebes, of the Dutch galliot, Jantina Alida, I shall have transmitted to him in the manner you prescribe when I shall receive it.

There is a growing stagnation of discussion in regard to our affairs. The apprehensions of difficulty with England have taken small hold of continental opinion; and the sentiment prevails that we shall be left to fight out the ultimate issue by ourselves. The great distress of the south tends to modify some of the judgments hitherto entertained that it cannot be reduced, and the experience of the next two or three months will be watched with extreme

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interest. It is understood that very great offers are in the market for cargoes of food, to be run through the blockade, to relieve the pressing wants of the seceded States.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pike to Mr. Seward.

[Extracts.]

No. 87.] UNITED STATES LEGATION,
The Hague, May 20, 1863.

SIR: The subject of the Scheldt tolls, of the settlement of which between Belgium and Holland I suppose you have heard from Mr. Sanford, has been determined quite to the satisfaction of Holland. This government is very willing to receive the thirty-six million francs stipulated to be paid in the settlement, in lieu of the current tolls now collected by it, not knowing how soon those tolls might be made the subject of spoliation. The leading European governments do pretty much what they like with these secondary or dependent powers, and, on an open question, like these tolls, they would be sure to dictate terms, sooner or later. In acceding to the arrangement now made, the government of the Netherlands feels that it shelters a weak point from the assaults of those who dismembered their territory in 1831, and forever closes one tempting avenue of attack.

Holland, as well as some other small kingdoms, has been solicited by France and England to unite in the diplomatic movement of addressing notes to the Russian government on the subject of Poland. This cabinet acceded to the request and sent their note to the Dutch minister at St. Petersburgh to be read to Prince Gortchakoff.

* * * * * * * * * *

The reported military movements of General Banks in the Red River country are regarded here as possessing more significance than any recent event of the war; the military possession of the interior of Louisiana by the federal forces appearing to promise important results, through the severance of Texas from the rest of the States in rebellion, thus holding out a prospect of the early reduction of the whole country west of the Mississippi river.

It is thought if this could be once effected, and slavery overturned effectually in that extensive district, it would furnish a very important basis for the settlement of our difficulties.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

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Mr. Seward to Mr. Pike.

No. 103.] DEPARTMENT OF STATE,
Washington, June 8, 1863.

SIR: Your despatch of the 20th ultimo (No. 87) relative to the question of the Scheldt tolls, to the Polish insurrection, and to the impression produced by General Banks's movements, has been received and perused with much interest.

I am, sir, your most obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., *&c., &c., &c.*

Mr. Pike to Mr. Seward.

[Extract.]

No. 88.] UNITED STATES LEGATION,
The Hague, June 10, 1863.

SIR: I have the honor to acknowledge the receipt of your despatches of the 19th and 25th of May, Nos. 100 and 101.

The public affairs of this kingdom continue tranquil and prosperous, though their managers are just as full of care and anxiety and ambition as are the rulers of states which make a greater figure in the world.

The currents of public sentiment in Europe, which have so long set against the idea of our success in reducing the rebellion, have, I think, been seriously checked within a month or two. The separation, once so confidently predicted, seems to recede with the progress of events; and the belief of some other issue of the conflict gains ground. There is a growing disposition to believe that, after all their efforts, the slaveholders must pay the penalty of having thrown down the gage of war and appealed to the sword. The conviction evidently strengthens and spreads, that the logical termination of the contest is the destruction of slavery and the race of slaveholders, and this conclusion is fortified by the apparently unyielding attitude of the government of the loyal States.

The revolutionary elements that underlie the rebellion are perhaps more generally regarded in Europe than in America as the potent force which most threatens it; and that the lapse of time renders these stronger and not weaker can be nowhere disputed. It is not insurrection that is anticipated, but the effect of the general arming of the blacks in unsettling and demoralizing the whole slave population.

Careful observers in Europe, while thus viewing our concerns, are daily growing more and more solicitous over European affairs.

* * * * * * * * *

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

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Circular to American Ministers in Europe.

DEPARTMENT OF STATE,
Washington, June 16, 1863.

SIR: The military situation in the southwest remains unchanged. The sieges of Vicksburg and Port Hudson are continued.

There has been a change on the line in Virginia. Lee has moved westward from Fredericksburg, and General Hooker's army has, of course, changed position and attitude. But the object of Lee's strategy is not yet developed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Mr. Pike to Mr. Seward.

[Extracts.]

No. 89.] UNITED STATES LEGATION,
The Hague, June 25, 1863.

SIR: We are having another season of the oft-recurring disquietude of the public mind of Europe in regard to public affairs. As usual, apprehension hinges, to a great extent, on the suspected movements of the French Emperor.

* * * * * * * * *

As an aside portion of the drama, the affairs of the United States are again brought under review. Mr. Roebuck and Mr. Lindsay, of the British Parliament, * * * * * * * * have just been over and had an interview with the Emperor touching our affairs, or rather Mr. Roebuck's and Mr. Lindsay's affairs. They report him all ready for mediation, recognition, or anything else which favors the rebellion.

The judge in the Alexandra case has just given his remarkable decision for free trade in ships-of-war, from which serious consequences are feared; so that altogether the moment is one of unusual disturbance and excitement. The French funds have been gradually receding for a fortnight, and consols are now following suit.

So far as we are concerned, I see nothing in the whole of it that is not dependent on the course of events at home. If we do not succeed at Vicksburg the mischief-makers in Parliament will raise what dust they can on the strength of our failure. But if we succeed there, and clear out the Mississippi, nobody here will think of striking against us to the extent of a foot. The real judgment on this side is that we have made substantial progress, and that the cause of the south is slowly, it may be, but surely, giving way. Notwithstanding our many previous failures, there is a strong expectation that we shall succeed this time before Vicksburg; and the moral effect of the great enterprise of General Grant, if carried to a successful termination, will be immense in Europe. In that event, I think the conviction will be that the final result will depend entirely on the persistent determination of the people of the loyal States.

I have to acknowledge the receipt of your despatch of June 1, No. 102.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

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Mr. Seward to Mr. Pike.

No. 106.] DEPARTMENT OF STATE,
Washington, June 30, 1863.

SIR: I have to acknowledge the receipt of your despatch of the 10th instant, No. 88, and to thank you for the interesting information which it presents.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Seward to Mr. Pike.

No. 109.] DEPARTMENT OF STATE,
Washington, July 13, 1863.

SIR: Your interesting despatch of June 25 (No. 89) has been received. Europe waited patiently for the end of a siege of eleven months at Sevastopol, and a year for a result of a like operation in Mexico. Forty-five days' delay at Vicksburg, and a similar delay at Port Hudson, have proved too severe an exaction upon the magnanimity of parties in Europe who desire the ruin of the United States. At the moment when I write, the scene in this country has altogether changed. Vicksburg, with all its defenders and material, has fallen, at last, into our possession. Rosecrans has driven the insurgents of Tennessee within the interior lines. The army of the Potomac has retrieved its fortunes and prestige, and the forces of General Lee are understood to be hemmed in between a flood in their front and a victorious army in their rear. Charleston is again under siege of iron-clads. Our army is being renewed by a levy of three hundred thousand men, which will swell the aggregate to eight hundred thousand, while the insurgent resources are manifestly very much diminished. Under these circumstances, the public mind, impatient of rest, is already agitating the conditions on which peace shall be conceded. While, however, this is the exact condition of affairs in America, we have warnings, apparently authentic, of a purpose on the part of the Emperor of the French to employ all his influence to procure a recognition of the insurgents by other powers; and failing in this, to proceed alone in that injurious policy. We hear, also, of a debate upon recognition in the British Parliament, but the steamer which bore the news of the debate did not wait for the decision. Upon this statement of our case, as it is developed here, you will be able to determine for yourself the probabilities of a new foreign complication, and the spirit in which it will be met, if it must come to embarrass us.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Pike to Mr. Seward.

No. 93.] UNITED STATES LEGATION,
The Hague, July 15, 1863.

SIR: I have to acknowledge the receipt of your despatches of the 29th and 30th of June, (Nos. 105 and 106.)

The fluctuations of military events at home create corresponding fluctuations of opinion on this side. A month ago everything was thought here to be favor-

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able to the government. Now it is the reverse. There are even those who profess to see in Lee's army a conquering host about to dictate terms of peace to the federal government in its own capital. It may well be deemed surprising to find, at three thousand miles distance from the scene, such idle apprehensions and such extraordinary ignorance of the American character. But this tone finds its way even into the British Parliament, and the partisan sheets of the slaveholders fulminate it at every corner.

Whatever General Lee's hopes and expectations may have been of striking a sudden and unexpected blow, the delay of two weeks—during which he seems to have been across the Potomac without having attempted anything of the kind—looks like a frustration of his purpose. At any rate, this delay is here interpreted unfavorably to his designs. As you may suppose, we await the denouement of this hazardous movement with deep solicitude.

I fear the general course of events is again acting prejudicially to our cause, though, as I have often said, the action of the government here will depend entirely upon the progress we make at home.

The financial credit of the government not only stands unshaken, but actually improves amid all the uncertainties of the situation. Our government stocks are constantly rising, and have been ever since I first called your attention to the speculative movement initiated in them at Amsterdam last winter. Our 5 per cents. have slowly but steadily risen from 60 to 70, from which point they still tend upward on the Amsterdam bourse.

The ministry of Mr. Thorbecke have safely passed the July crisis, which at one time, as I informed you, was thought likely to prove fatal to them. The ministry have been violently assailed on the ground that they contemplated the overthrow of the existing colonial system which has proved so very lucrative to the treasury.

The new colonial minister, Mr. Van De Putte, in a late exposé of his policy, has temporarily quieted these apprehensions, and both chambers have separated until the September sitting—the first chamber having first reversed a previous condemnatory note and accorded its confidence to the new minister on the strength of his concessions and pledges.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Pike to Mr. Seward.

No. 94.] UNITED STATES LEGATION,
The Hague, July 22, 1863.

SIR: I have had the honor to receive your two despatches of July 3 and 6, (Nos. 107 and 108;) the latter containing the highly gratifying intelligence of the success of our arms at Gettysburg.

This result, with the news of the capture of Vicksburg, which comes by telegraph, seems to foreshadow the dissolution of the confederacy, rather than their signal triumph so lately predicted.

Never since I have been in Europe has public expectation received so great a shock as has been produced by this intelligence—the partisan journals of the slaveholders, headed by the London Times, having filled both England and the continent with a confident expectation of the easy triumph of General Lee in Pennsylvania, and a belief that Grant's siege of Vicksburg had become hopeless.

However important the repulse and defeat of Lee, (of the precise extent of whose situation we have yet no definite tidings,) the capture of Vicksburg seems

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to carry with it a train of even yet more important consequences. How the present confederacy can claim to stand up after the permanent military conquest of the Mississippi river by the federal arms it is difficult to see. This result attained, time and patience would seem to be all that is requisite to insure the certain return of the country west of that river to the Union.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Mr. Pike.

No. 111.] DEPARTMENT OF STATE,
Washington, July 24, 1863.

SIR: I have received your despatch No. 90, of the 25th ultimo, accompanied by a translation of a note of the 10th ultimo from Mr. Van der Maesen de Sombreff, in regard to the validity of rogatory commissions of foreign magistrates or tribunals in the Netherlands. With much satisfaction I learn from that note that the reciprocity in this respect, contemplated by my instructions of the 17th of April last, (No. 97,) and the act of Congress which accompanied it, already practically exists in the Netherlands, and that the proposed decree will favorably affect the matter. A copy of your communication will be sent to the Secretary of the Treasury.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., *&c., &c., &c.*

Mr. Pike to Mr. Seward.

[Extracts.]

No. 95.] UNITED STATES LEGATION,
The Hague, July 29, 1863.

SIR: * * * The late correspondence of the great powers with Russia in regard to the Polish insurrection is engrossing a very large share of the attention of European statesmen just now, and there is a feverish apprehension of a general disturbance. The disclaimers of the interfering parties are, however, sufficiently explicit to show that of their own motion they will not go to war in behalf of the Poles. And I cannot see any evidence that public sentiment is either united enough or strong enough to bring on hostilities against the wish of the existing cabinets. * * * * * * *

The rapid and great successes of our arms at all points is having its just influence, and has blasted the lately raised expectations of the partisans of the southern cause. The movements in their favor caused by the advance of Lee into Pennsylvania have come to a dead halt, and all the bloated hopes of triumph recently entertained and expressed with such undisguised exultation have suddenly collapsed. The impaired military prestige of the government has been entirely restored by the recent events, and we hear no more of the sarcasms and insults in which of late the hostile press of Europe have been wont to indulge.

I am without any of your favors since my last.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

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Mr. Seward to Mr. Pike.

No. 112.] DEPARTMENT OF STATE,
Washington, July 29, 1863.

SIR: I have your despatch of the 15th of July, (No. 93.) The armies and the navy of the Union have recently obtained successes which will relieve our representatives abroad of apprehensions of movements hostile to our country by the great maritime powers.

Notwithstanding adverse speculations and criticisms, it is now seen that the operations of the government during the two years which the war has continued have been as effective as was to be expected, and the relative strength of the contending parties is full of encouragement.

At present the chief anxiety of the government arises out of the violations of our national rights, by the fitting out and sending forth piratical vessels from British ports. We are dealing with that painful subject earnestly, though carefully, hoping to avoid the complication of a foreign war, if possible, and if not possible, then to be prepared for it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Pike.

[Extracts.]

No. 115.] DEPARTMENT OF STATE,
Washington, August 15, 1863.

SIR: Your despatch of the 29th ultimo (No. 95) has been received.

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Your remarks concerning the Polish insurrection, and those in relation to the salutary effect of the good news from home, have been perused with much interest.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Seward to Mr. Pike.

No. 117.] DEPARTMENT OF STATE,
Washington, September 4, 1863.

SIR: Your despatch of August 5 (No. 96) has been received, and I give you my grateful acknowledgments for the careful survey of European politics which it presents. Only time can disclose whether the performance of the several actors will follow the outlines you have sketched for them, upon considerations of prudence and reason, or whether the plot is to be determined by caprice and passion. So far as we are concerned, it is manifestly our duty to practice prudence and preparation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

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Mr. Pike to Mr. Seward.

[Extracts.]

No. 97.] UNITED STATES LEGATION,
The Hague, August 19, 1863.

SIR: I have had the honor to receive your despatch of July 24, (No. 111.)

Two weeks' digestion of the news from America results in no revival of hopes on this side for the rebellion. The partisans of the south seem discouraged and disheartened. The only pretence they raise, to mitigate the extremity of the situation, is the allegation that their case has seemed equally desperate before. The argument does not arrest the fall of their sinking fortunes on the exchange. Their favorite cotton loan, so lately above par, is down to 70. The complete breakdown of the financial system of the insurgents, demonstrated by the fall of their paper currency to 10 cents on the dollar, has, perhaps, more weight attached to it here than in the United States. It is regarded as indicating a near relapse. Dispassionate observers fail to see how the resources of the rebel government are to be replenished, or their finances even nominally administered. The melting away of its armies, from internal weakness, alone seems thus inevitable.

But beyond this, the clearing out of the Mississippi river, if its approaches be properly guarded against any sudden descent of armed iron-clads from Europe, is viewed as a fatal grip at the throat of the rebellion. The events occurring in Mexico make New Orleans looked upon more than ever as the key of our empire. Its original capture was considered in Europe a deadly blow to the insurrection. The conviction was and is that it should be made impregnable to attack by sea, which seems easy enough; the hostile action of no power in the Gulf need be feared. But should this safeguard be neglected, we might find our dear-bought triumphs suddenly brought to a disastrous termination. Our enemies try to find consolation in the hope that we shall be less prudent to secure than we have been energetic to conquer.

That we must look to ultimate collision in that quarter with foreign powers, the action of France in Mexico does not seem to allow us to doubt.

As I took occasion to observe some months ago, (I believe you thought prematurely,) the cotton question is ended in Europe. We have entirely gone by that danger. Cotton is abundant. The only disturbing fact that remains is that the price is so high that manufacturers decline to spin and weave on the old scale. Distress is again setting into the manufacturing districts, but the disorder and suffering are, to a great extent, compensated by the excellent harvest which almost everywhere prevails.

Now, therefore, as heretofore, I believe we are to be unmolested from abroad. If we can furnish the troops necessary to follow up our recent great successes triumphantly, we shall have a glorious issue from our trials. Viewed at this distance, the prospects of the country have never seemed so encouraging.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Pike to Mr. Seward.

[Extract.]

No. 99.] UNITED STATES LEGATION,
The Hague, September 2, 1863.

SIR: I have to acknowledge the receipt of your despatch of the 13th of August, (No. 115,) and your circular despatch of the 12th of the same month,

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with an accompanying map, giving an exposition of the military situation; all of which are attentively considered.

Political affairs are comparatively quiet.

The conference of German sovereigns at Frankfort has ended; with what success in the main purpose of consolidating their power against France remains to be seen. England approves and encourages the movement. France throws cold water on the proceedings, notwithstanding the real object of the conference is veiled under other pretences.

Some of the French journals are engaged in the effort to show that the United States have no cause of hostility to the effort to establish an empire upon the ruins of Mexican independence. The argument proceeds upon the assumption that France does not desire to do any offensive political act towards the United States, and so far intimates inactivity upon the question of recognition.

It seems to be reduced to a certainty that the Polish question will not disturb the peace of Europe. Russia claims that the rebellion is exhausted.

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I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr Pike.

No. 118.] DEPARTMENT OF STATE,
Washington, September 5, 1863.

SIR: Your despatch of August 19 (No. 97) has been carefully considered.

What you have noticed in Europe, in regard to the political aspects of the insurrection here, has been equally observable here during the period which you have mentioned. No fortunate military incident has occurred to revive the hopes of the insurgents, while Union sieges and marches have gone on favorably. The insurgents have burned much and lost more of the cotton that they had pledged to European creditors, while the price of gold in their currency has risen, within two months, from 1,000 per cent. to 1,600 per cent., which is the last reported rate. The insurgent financiers last winter adopted wheat instead of gold for the standard of values, and fixed that of wheat, if I remember rightly, at five dollars per bushel. It is now reported that the farmer refuses to thresh his wheat, and the government agents are considering whether the power to appropriate at five dollars does not also include the necessary preliminary power to thresh the grain.

You have rightly assumed that the safe occupation of New Orleans, so long as it is maintained, is sufficient guarantee for the success of the government. We are, however, not without some concern on that subject; for in the first place we have no clearly reliable assurances that the British government will prevent the departure of the iron rams, which are being prepared in British ship yards, for that or some similar purpose. And next, notwithstanding the great energy of the Navy Department, it has not yet brought out the vessels upon which we can confidently rely for adequate defence against such an enterprise. Nevertheless, Mr Adams is making the best possible efforts with reference to the first point, and our naval means, which certainly are neither small nor inefficient, are rapidly increasing. Your observations on this subject are so sagacious that I have thought it proper to commend them to the special attention of the Navy Department.

I thank you for the account you have given me of public opinion in Europe

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in regard to the condition of Mexico and its bearing on the interests of the United States. Public opinion is not embarrassed by a want of accurate knowledge of existing facts. It anticipates and assumes probable events, and thus the imagination early arrives at, and is satisfied with, premature solutions; from Mexico we have nothing in regard to the attitude or proceedings of the republican government, since it withdrew before the invaders to San Luis; from France nothing in regard to the question of a new government, but reiterated assurances of an absence of any design to permanently occupy or dominate in Mexico; and from Austria, only the speculations of the press upon a condition of affairs in Mexico, too imperfectly developed to justify any decisive action by the alleged candidate for an imperial crown.

In these circumstances we see no occasion for extreme sensibility or for immediate demonstration. Mr. Corwin cannot, of course, communicate with the authorities newly instituted in the city of Mexico, while he is shut out from access to the republican one to which he is accredited. That government may, for aught we know, maintain an effectual resistance to the new one, or, on the other hand, it may even succumb. Such a resistance would relieve the people of all difficulties, while, on the other hand, it would be as unreasonable as it would be unavailing to seek to rescue a people that should voluntarily surrender itself to foreign control. The new government, if it succeeds, may respect the sovereignty and all the rights of the United States, and so give us no cause of complaint or dissatisfaction. Our opinions as to the ultimate and permanent success of an European intervention in Mexico were early expressed by way of anticipation. Until we recall them no presumption that they are abandoned can arise. But we now see, instead of a whole and normal Mexico on our southern border, a Mexico divided between Mexicans and the French. We do not know how this new condition of things might sooner or later affect the authority of the United States in Texas. Independently of that consideration, the time has arrived when that authority ought to be, and, as we think, can be, restored in that important border State, and this will be done.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Seward to Mr. Pike.

No. 121.] DEPARTMENT OF STATE,
Washington, September 19, 1863.

SIR: Your despatch of the 2d instant (No. 99) has been received.

The interesting information and reflections concerning political affairs in Europe, which it contains, are highly appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Seward to Mr. Pike.

No. 125.] DEPARTMENT OF STATE,
Washington, October 10, 1863.

SIR: Your despatch of the 24th of September (No. 101) has been received.

All attempts at revolution present real or affected complaints of oppression, with vows of heroic devotion to liberty. These complaints and vows strike the

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imagination and touch the sensibilities of indifferent parties, and they are zealously taken up by the enemies of the state which it is purposed to overthrow. It is not until after the revolution has gone through its first stage that mankind come to examine its merits with candor, and to judge of its designs with deliberation. When that stage arrives, if the cause is not found a very strong one, no zeal on the part of its advocates can keep up the exaggerated sympathies with which the revolution was favored in the beginning; and even many a good cause has been left to perish in this way for want of moral support. There are indications that the world's patience towards the utterly vicious insurrection in this country is beginning to fail. I interpret in this way the report of European opinions you have given me, concurring as it does with the statements of others of our representatives abroad.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, *&c., &c., &c.*

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CHINA.

Mr. Burlingame to Mr. Seward.

[Extracts.]

No. 24.] LEGATION OF THE UNITED STATES,
Peking, August 23, 1862.

SIR: I have the honor to inform you that, on the 5th of August, I received from Prince Kung a letter, (marked A,) in which he expressed a great desire to see me, but regrets that he is as yet too weak, on account of previous illness, to have an interview. On the 15th of August I received another letter from him, (marked B,) stating that though not quite well, yet, that he might carry out his desire for a friendly interview, he would fix upon Wednesday, the 20th of August, at 3 o'clock p. m. On that day, accompanied by Dr. S. Wells Williams, B. Wistar Fellowes and J. S. G. Schereschewsky, I proceeded to the Chinese foreign office, where I was received by the Prince and suite in the most friendly manner. The interview lasted for two hours, and was marked by great freedom and cordiality of expression on both sides. I spoke to them of our long continued friendship, and said that our policy was one of peace; that our relations were such that we could never have any motive but for our mutual good; that from our contiguity, numbers, and growing trade, we must be brought in the future into more and more intimate relations, which would require mutual kindness and forbearance. The Prince and suite were pleased to learn of the proposed line of steamers to Shanghai; they inquired kindly after their people in California. We discoursed of the rebellion in China, and of the means of overcoming it; of the success of General Ward, an American, with his Chinese soldiers, trained after the foreign forms. I recommended that they should abandon the old style of fighting, and that they should organize a smaller, but more efficient, force against the rebellion, and, above all, that they should adopt a more liberal policy towards all but the leaders of it.

I presented a history of the United States in Chinese, by Dr. Bridgeman, to the Prince. I presented, also, through the Prince to the Emperor, a splendid edition of the Bible, at the request of Bishop Bourne, and in behalf of the American Bible Society. It was accompanied with a little history of the book, in Chinese, by Dr. Williams. They were much pleased, and one of them (Wansiang) said that they received the book as a symbol of our friendship. The interview was exceedingly agreeable, and would seem to indicate, on their part, a total abandonment of their ancient policy of exclusiveness. To-day I have been informed by letters and by messengers that a portion of the Prince's suite would return my call next Tuesday, and that the Prince himself would call on Wednesday. I send a copy of a note, (marked C,) which I received in response to copies of the history of the United States, which were sent.

* * * * * * * * *

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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A.

Prince Kung to Mr. Burlingame.

When your excellency arrived in Peking, I was very desirous of seeing you; but at that time I was ill, and asked for a short respite. My illness is gone, indeed, at this time, and I am at leisure; but I am left in such a weak state of body that a few days will be requisite to recover entirely before it will be agreeable to have an interview, at which we can exchange the sentiments of peace and amity which we entertain.

I send this note beforehand to inform you, and avail myself of the opportunity to wish you the day's enjoyment.

Enclosed the card of Prince KUNG.

AUGUST 5, 1862.

B.

Prince Kung to Mr. Burlingame.

Since your excellency's arrival at the capital, I have, indeed, been desirous of meeting you; but, in consequence of indisposition, have been unable to do as I wished. I am now rather better, and, in order that I may carry out my desires for a friendly interview, at which we can express the amicable feelings we entertain, I have appointed the 20th instant, at 3 o'clock p. m., if your excellency has leisure on that day, to meet you at the foreign office, when we can have a meeting.

I beg to present you my best wishes, and shall look for an answer to this.

Card of Prince KUNG.

AUGUST 15, 1862.

C.

Wansiang, Tung, and Pankiene to Mr. Burlingame.

AUGUST 23, 1862.

Your note, with the accompanying copy of the History of the United States, has been received. I shall most carefully look the work over, and, therefore, be able to obtain a thorough knowledge of the customs, the geography, and the character of the people of that country. I shall keep the volume at my side, and be gradually extending my information as I look at it.

I return this note of thanks for it, at the same time availing myself of the opportunity to wish you happiness.

Cards of WANSIANG, TUNG, and PANKIENE.

Mr. Burlingame to Mr. Seward.

No. 26.] LEGATION OF THE UNITED STATES,
Peking, October 25, 1862.

SIR: I have the honor to inform you that I have received your kind despatch in reply to No. 12, of mine, and that it is exceedingly gratifying to me.

Since I last wrote you, Prince Kung and suite have returned my visit. The conversations were full, frank, and friendly. I have also entered into a tolera-

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bly extensive correspondence with his Imperial Highness Prince Kung, as the communications I send will inform you. The first question for discussion directly with the government arose on the receipt, by the Prince, of my communication, marked A, requesting that instructions should be sent to the Chinese authorities at the treaty ports Hankow, Kiukiang, Newchwang, and Tientsin, to recognize the newly appointed consuls at those places. This they had, in a manner, refused to do, because these consuls were men engaged in trade. In support of their position, they cited a casual remark in a letter written by one of my predecessors, Mr. Reed, to the effect that the United States did not appoint as consul any man thus engaged—a remark totally without the authority of precedent or law. Prince Kung, in his reply, marked B, taking the extract from Mr. Reed for law, proceeds to make complaint that such men should be appointed. In my reply, marked C, I maintain our right to appoint them. I refer to the fact that the French and Russians have, in China, such consuls, and explain the meaning, as far as I can, of Mr. Reed's language, and ask the Prince if it is not better, where we have large trade, to have these men rather than none at all. The result has been, that while, as yet, they do not admit in any despatch my position, they have in interviews done so, and have sent, or say they have, the proper instructions to their officers.

I think, myself, that the policy of appointing men engaged in trade not a good one; but it was necessary to have some one, and I did the best I could, and selected men of such excellent character as to preclude all idea of corruption. Still, the business houses, not having consuls, imagine that they are taken at a disadvantage, and complain. I, therefore, earnestly recommend that, at the ports of Hankow, Kiukiang. and Tientsin, the consuls should be salaried. The next subject for communication, rather than discussion, is disclosed in the communication of Prince Kung, marked D, in which he states that he has received a communication from the governor of Kiangsei, informing him that the rebels had raised 500,000 taels with which to purchase steamers in the United States, and begs, after thanking me for what I had already done in that direction, that I would write again to my government, warning it against the intentions of the rebels. Not receiving an immediate reply to that communication, as I was at Tientsin, where I had gone to meet my family, he addressed another communication to me, marked E, in which he reiterates his statement about steamers, and makes a grave charge against my countrymen for selling arms to rebels, and urges me to stop them. In my reply, marked F, I stated the origin of the rumor about the purchase of steamers; that I had heard it as early as December last, when I immediately communicated it to my government, from which I had received a reply that it had no knowledge of any such transactions. I intimated that this was a revival of that rumor, and stated that there could be no danger from the rebels on the sea, because of the overwhelming force opposed to them there. As to the selling of arms, of which he justly complained, I told him that I had, ever since I had been in the empire, done all I could to prevent such things, and that all the officials of the United States had done the same thing, and were still ready so to do; that he had brought no specific charges against my countrymen. I denounced the trade in contraband articles, and said that I was ready, and ever had been, to consult and co-operate with the officers of his government and those of the treaty powers, to the end that this traffic might be prevented; that my countrymen, equally with his own, were suffering from lawless men. I pointed out the dangerous practice, on the part of Chinese officials, of granting "permits" to land arms, by which this trade could be facilitated. I stated, specifically, in that communication, and orally, to be communicated to Prince Kung, that these "permits" had prevented the seizure of arms. Mr. Bruce, the British minister, when he heard that I had made this suggestion, immediately supported it in the most positive language, and said to the medium of communication, in substance, that "standing to-

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gether here we will do our part, and the Chinese government must do its duty." The Chinese government is sorely tried by rebels, lawless foreigners, and corrupt local officials. But I hope for the best. There is one great man in the government, Wensiang, who is master of the situation, and who comprehends the grave condition of affairs, and earnestly and uncorruptibly strives to maintain the integrity of the government. The representations of the treaty powers, without exception, sympathize with the government. If it can maintain itself for a few years the danger will be passed and order restored peacefully, without subjecting the whole empire to one of those gigantic struggles through which nations sometimes pass when moving from a lower to a higher form of civilization.

I have the honor to be your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, August 29, 1862.

The undersigned (with titles) begs to inform your Imperial Highness that he appointed Mr. William Breck, an American, to act as consul for the United States at the port of Kiukiang, in January of the present year, and that he has entered upon the duties of his office at that place. In communicating this, the undersigned, as it behooves him, requests that orders may be transmitted to the proper local authorities of that port to receive the consul in a friendly manner, aid him in obtaining suitable dwellings or in leasing ground for building them, and exert themselves to promote amicable relations, so that everything may proceed to the common advantage of all parties.

The undersigned desires, likewise, to inform your Imperial Highness that, in May of last year, the acting commissioner of the United States, Commodore Stribling, appointed Mr. Charles D. Williams to act as American consul at the port of Hankow, and that he has also entered on the duties of his office; it is proper to request that the local authorities there may be instructed to receive him in that capacity, and extend to him all the facilities in fulfilling its duties that the treaty requires.

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG,
Secretary-in-Chief for Foreign Affairs.

B.

Prince Kung to Mr. Burlingame.

SEPTEMBER 3, 1862.

Prince Kung, secretary-in-chief for foreign affairs, herewith sends in reply:

I have received your excellency's despatch of the 29th ultimo, in which you state that you have appointed William Breck to perform the functions of consul of the United States at the port of Kiukiang, and that Charles D. Williams has gone to the port of Hankow to act as United States consul, requesting that orders be transmitted to the local officers at those ports to receive both these officials, and facilitate them in the execution of their duties, as far as the treaty requires, &c., &c.

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I see, on referring to a despatch of Mr. Reed, the late United States minister, dated November 10, 1858, sent to the high minister Kweiliang, and others, then imperial commissioners, that he says, "as to consuls being engaged in trade, the law of his country now is that no one shall be consul who is engaged in trade;" yet the consul of the United States at Kiukiang, Mr. Breck, the acting consul at Hankow, Mr. Williams, and also Mr. J. B Forbes, the acting consul at Tientsin, who have all been appointed by United States ministers, are each and all persons who cannot by this law be engaged in trade.

Further, I have lately received a despatch from the general in charge at Shinking that the acting United States consul, Mr. Knight, at Ninchwang, has opened a house of business called the Tungchinhong, and this also is in contravention of the despatch of Mr. Reed.

I have, therefore, in communicating these points to your excellency, to request that you will examine them and inform me whether or no such instructions can be sent to these consuls, that they need no longer engage in trade.

His Excellency A. BURLINGAME,
United States Minister to China.

C.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, October 24, 1862.

The undersigned, envoy extraordinary, &c., &c., has the honor to acknowledge the receipt of your Imperial Highness's communication of the 21st instant, in which you refer to the fact that the acting American consul at Ninchwang, Mr. Knight, has established a commercial house, and that this proceeding is contrary to the stipulations of the treaties with foreign powers. The undersigned has examined in relation to this point, and can find no stipulation in the treaties forbidding a man who is engaged in trade to perform consular functions, and (begs to add) that both the French and Russian nations have also consuls, who are likewise merchants. In respect to the reply of the late United States minister, Mr. Reed, upon this point, it may be observed that it referred to the consuls of the United States then at the five ports, to which places the government has designated officers with salaries; but it has not yet done so with regard to the newly opened ports, as Hankow, Tientsin, Ninchwang, &c. If persons who are suitable for such posts are not temporarily appointed to do their duties at ports like these, where American ships come in great numbers, then to whom shall consular functions be intrusted? Is it not much better to have some one in the office than to let it remain vacant? Such a course connot be considered to be against propriety; and these remarks will also serve for a reply to the despatch of your highness of the 3d of September. Both that communication and the one under reply shall be forwarded to the United States, and when the government sends officers to fill these consulates, notice of the same shall be given.

With respect to the conduct of Mr. Knight, in becoming surety for Tang Sing-kii, who owed money to Li Hanwan, the undersigned has no information, but will make inquiry into the circumstances, and then communicate on the matter. He need here only state that he will allow nothing to be done which is improper, nor permit any one to screen a person in wrong-doing for his own private ends.

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG,
Principal Secretary of State for Foreign Affairs, &c., &c., &c.

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D.

Prince Kung to Mr. Burlingame.

[Translation.]

SEPTEMBER 20, 1862, *(Tungchi, 1st year, 8th moon, 27th day.)*

Prince Kung, principal secretary of state for foreign affairs, herewith sends a communication.

On the 13th of last April the governor of the province of Kiangsie informed me as follows:

"I have heard it rumored that the Taiping rebels have employed certain unprincipled merchants to go to the United States and privately buy steamers, arms and cannon, and have advanced 500,000 taels for this purpose. When Mr. Burlingame, the American minister, reached Shanghai, I laid the proofs of this report before him. He replied that he had also heard it, and had already written to his government, to the end that investigation might be made and the proceedings stopped. His sentiments were most cordial and earnest. General Ward, of the Invincibles, had likewise requested him to write, as soon as possible, to prevent the scheme."

From this despatch I have learned that as soon as your excellency heard that the Taiping rebels had engaged unscrupulous traders to go to the United States to purchase vessels and cannon, you instantly wrote to have the thing stopped. Sich, the commissioner of the ports, had also learned the same facts at a subsequent interview.

I shall also myself be obliged if you will again write, since I have such full evidence of your friendly wishes towards this country. The rebels are full of schemes, and the traders stick at nothing for gain, so that I am afraid, our precautions being inadequate, lest they elude our vigilance, and we suffer through their craftiness.

I make this communication, therefore, that your excellency may again request a precautionary search to be made (in the United States) and the purchase of these articles by the rebels prevented.

His Excellency ANSON BURLINGAME,

Envoy Extraordinary and Minister Plenipotentiary U. S. A. to China.

NOTE.—The term rendered above "Taiping rebels," is "hairy insurgents" in the original.

E.

Prince Kung to Mr. Burlingame.

[Translation.]

OCTOBER 12, 1862, *(Tungchi, first year, intercalary 8th moon, 18th day.)*

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication.

The governor of Kiangsie having reported to me that he had heard it rumored that the (Taiping) rebels had employed crafty traders to go privately to the United States to buy vessels and cannon, for which purpose they had deposited the sum of 500,000 taels, I immediately made it known to your excellency, to the end that you might write to your country and have the matter inquired into in time. The purport of that despatch was limited to informing you of the con-

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duct of the rebels in sending, in this underhand way, to the United States to buy articles.

More recent information, from ports along the sea-coast and rivers, confirms the previous accounts that traders, belonging to the United States, have been carrying arms and cannon through the country to sell to the rebels, and rendering them assistance, all with the object of getting gain; and thus it has come to pass that General Ward, who recently lost his life in the engagement near Ningpo, was, as it is rumored, wounded by a shot from a foreign gun. It can but be inferred that if there were no merchants to surreptitiously sell these weapons, how could the rebels otherwise obtain them, and kill our men? Furthermore, I am told that foreigners, armed with similar ones, aid them in destroying and resisting our officers.

The United States has long been at peace with China, and friendly relations are daily becoming more sincere; but when one learns that General Ward, an American, sacrificed his life in defending the cause of China, while men of the same race readily aid the rebel, and do all they can to prevent the continuance of peaceful relations, it is difficult to understand the reasons. Though it is impossible to tell certainly of what nation these men are, still, such a state of things must implicate the reputation of your country, and I, accordingly, inform your excellency, in the hope that you will presently despatch orders to the (American) consuls at the ports, requiring them to take strict measures to prevent their countrymen from secretly selling arms to the rebels, or aiding them in any manner. The conduct of these contrabandista, in the first-mentioned instance, was sufficiently important for our taking instant measures to stop their proceedings; but their criminality in this case is still more heinous, and no trifling with the matter should be allowed, (by the consuls,) lest the position of the United States be compromised, and the integrity of China be destroyed. If, however, my suggestions be followed, both our interests will be preserved.

I have already issued the most positive orders to all the local authorities along the coasts, and in those regions, urging them to increase their vigilance, and requiring them to seize any one, whether foreigner or native, who may be found smuggling arms, and punish them to the full extent of the laws without the least delay. I trust that you will also be so good as to look into this matter, and favor me with a reply; for the purpose of this communication is to inform you of all these particulars, and that such orders have been forwarded to the provinces.

His Excellency ANSON BURLINGAME,
United States Minister, &c., &c.

F.

Mr. Burlingame to Prince Kung.

OCTOBER 25, 1862.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States to China, has the honor to acknowledge the receipt of two communications from Prince Kung, principal secretary of state for foreign affairs, one dated September 20, and the other October 12, calling attention to a supposed violation of treaty on the part of his countrymen, by trading in steamers and arms contrary to law.

To these communications the undersigned has the honor to reply, that as early as December last he learned, through Chief Justice Adams, of Hong Kong, that the Rev. Mr. Roberts, then in the rebel service, had informed him of an intention, on the part of the rebels, to purchase steamers in the United States,

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and that they had raised the sum of money your highness mentions for that purpose. He immediately addressed a communication to his government, stating what he had heard. To that communication he received a reply, informing him that after careful inquiry the government could not learn of any transaction of the kind. He subsequently met Mr. Roberts, after he had declared against the rebels, and inquired concerning the report; Mr. Roberts informed him that the rebels intended to have purchased steamers, but that, having no money, they had abandoned the idea of doing so. He is inclined to believe, unless your highness has certain knowledge to the contrary, that the present report is but a reiteration of the Roberts story. The rebels could not hope to do anything with steamers, for the imperial forces, with the war vessels of the treaty powers, would not permit them to float one day in safety. He will, however, call the attention of his government once more to the subject, and do all he can to prevent the citizens of his country from violating, in any way, the treaty.

With regard to the selling of arms to the rebels, and other contraband articles, of which your highness justly complains, he has to say that ever since he has been in the empire he has, by word and by deed, made every possible effort to prevent his countrymen from doing these things. At Ningpo and Shanghai, his country's consuls, with his sanction and under his direction, aided in seizing arms, and will do so again. He is ready, and so are all the officers of the United States, on land and sea, to consult and co-operate with the officers of the Emperor and the treaty powers, to the end that trade in contraband articles may be prevented. His honest countrymen, equally with those of your highness, are suffering from the lawless conduct of a few villains, who are lending themselves to murder for gain. Your highness does not call the attention of the undersigned to any specific violation of treaty by his countrymen. He is not aware that there is any certain evidence that the brave General Ward was shot by any foreigner, much less by one of his own countrymen. The undersigned would call your highness's attention to what he deems the dangerous practice, on the part of the Chinese officials, of granting permits to parties to land arms, to be held in port until they may be purchased by the Chinese government. When so placed, it is almost impossible to prevent a portion of them from being diverted from their legitimate use. The undersigned has reason to believe that when his country's officers have sought to seize arms, as contraband, they have thus been protected.

The undersigned renews to your highness assurances of his high consideration.

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG.

Mr. Burlingame to Mr. Seward.

No. 28.] LEGATION OF THE UNITED STATES,
Peking, October 27, 1862.

SIR: I have the pleasure to inform you that the Chinese government has adopted a national flag. It is a dragon flag, to be triangular in shape, and ten feet broad for the largest vessels, or between seven and eight feet for smaller craft. The length is immaterial. The ground color is yellow, and a dragon is painted on it, the head pointing upwards. The reasons for adopting it are clearly set forth in the communication which I send from Prince Kung, marked A.

Hitherto there have been individual and local flags, but until now no national flag. Surely the words "immovable civilization of China" have lost their significance. By this act the imperial government, casting down the last shred of its exclusiveness, confronts us with a symbol of its power, and demands a place among the nations. Permit me to suggest that it might be well to bring the

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communication of Prince Kung to the attention of our naval officers and captains of our commercial marine as soon as possible.

I have the honor to be your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

A.

OCTOBER 22, 1862, (*Tungchi, first year, instant 8th moon, 29th day.*)

Prince Kung, principal secretary of state for foreign affairs, herewith makes a communication.

The foreign ships of all nations have the usage of hoisting flags, each to designate their own country, so that when seen they can be easily recognized, and known to be national vessels. If any ship alters its flag, the offender so doing is regarded as a criminal. The governmental vessels in China have also had their flags to distinguish them; but a new regulation has now been made, proposing a dragon flag, to be triangular in shape, and ten feet broad for the largest vessels, or between seven and eight feet for smaller craft; the length on the slanting or lower sides is immaterial. The ground color is yellow, and a dragon is painted on it, the head pointing upwards. Made in this shape, it is thought that it can be instantly recognized.

His Majesty has been memorialized on the subject, and orders have been already transmitted to the naval officers in the provinces directing them to act accordingly.

It is on this account that I send this despatch to your excellency, in the hope that you will inform the American naval officers and (the captains of) all other American vessels that hereafter, when they come across a yellow flag of this description they will recognize it as the flag of Chinese government vessels, and treat it as they treat the flags of all other powers, and offer it no impertinence.

If any person changes this flag or insults it he shall be punished as a criminal; and no matter what may have been the original cause of offence or the merits of the dispute, this crime of disrespect or misusing the flag should first be tried according to law, and afterwards the other counts of the indictment be taken up. I earnestly desire that your excellency will give very strict orders to whoever it may be necessary to instruct in reference to this matter.

His Excellency A. BURLINGAME,
U. S. Minister Plenipotentiary, &c.

Mr. Seward to Mr. Burlingame.

No. 22.] DEPARTMENT OF STATE,
Washington, December 9, 1862.

SIR: Your despatch of August 23 (No. 24) has been received, and it affords the President much satisfaction to know that you have been successful in reaching Pekin, and that your residence there begins under favorable auspices.

Your proceedings at Pekin, as reported, are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c.

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Mr. Burlingame to Mr. Seward.

No. 29.] LEGATION OF THE UNITED STATES,
Peking, December 12, 1862.

SIR: I have the honor to send you regulations for trade on the river Yangtsye. By treaty, the Chinese government has the exclusive right to make rules for the trade of that river. By treaty, we had no right to go to any port but Chinkiang until the rebellion was put down; but by an arrangement made with Mr. Bruce, the British minister, after the exchange of treaties, Hankow and Kikiang were provisionally opened for trade under certain regulations now in force. These regulations proving unsatisfactory to the authorities along the river, certain other regulations were brought forward, and by the agent of the Chinese government, Mr. Robert Hart, at present chief superintendent of customs, submitted to Mr. Bruce and myself, as the chief representatives of the trading nations in the great river.

After many consultations and changes, the regulations I send were agreed upon, not because they were all we wished, but because they were all we could get. We warmly urged upon the government the propriety of opening three more ports in the Yangtsye, at least to steamers. The government here finally assented, subject to the decision of one or two local authorities. Mr. Hart took letters and instructions to that effect, and we have learned of his probable success. This will be a great step in advance. I am in favor of opening the whole river, as soon as possible; but if we persuade this government, as possibly we might, to outrun the local prejudices of the mighty nations along the Yangtsye, we might aid the rebellion to such an extent as to lose all. We must look to the consequences of our action in the Chinese, as much as the Chinese government itself. There is a strong anti-foreign party looking for some large concession to foreigners, as an opportunity of overthrowing the present government, which is friendly to progress, and in need of all our moral support.

I send a communication from Prince Kung, marked A, giving the reasons for adopting the regulations, together with a form of notification, marked B, which was sent to George F. Seward, esq., consul at Shanghai.

I have the honor to be your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

A.

NOVEMBER 13, 1862.

Prince Kung, chief secretary for foreign affairs, makes a communication.

In the tenth article of the treaty with the English, it is stipulated that British vessels, although having authority to trade upon the Yangtsye, no port, with the exception of Chinkiang, shall, nevertheless, be opened at once to trade, owing to the disturbed condition of the upper and lower valley of the river. Some time after the exchange of the treaties, however, I agreed with the British minister to open, provisionally, the ports of Kiukiang and Hankow, and settled upon certain regulations with reference to them. Now, the governors exercising jurisdiction over the provinces on the Yangtsye have memorialized upon the inconveniences arising from the provisions that the customs shall be paid in Shanghai, and propose, therefore, that custom-houses should be established at Kiukiang and Hankow. Thinking this to be a desirable measure, I proposed to the British minister that the seven regulations herewith enclosed might come

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into operation on the ———. He has replied that he consented to the proposition, and also that he would notify the different consuls of the new measures.

Having made a communication to the English, French, and Russians, I communicate this to your excellency, together with a copy of the above-mentioned regulations, hoping that you would consider and give your assent to the same, and notify accordingly the consuls under your jurisdiction.

His Excellency Hon. ANSON BURLINGAME,
Envoy, &c., &c.

B.

Copy of form of notification communicated to George F. Seward, Esq., Consul at Shanghai.

I am directed by Anson Burlingame, envoy, &c., &c., &c., of the United States to China, to give notice that the following revised regulations, opening custom-houses at Hankow and Kiukiang, and under which trade is to be carried on, have been communicated to him by the Chinese government, and that they will come into operation on the 1st of January next, at which time they will supersede the provisional regulations of the fifth December, 1861.

By order of GEORGE F. SEWARD,
United States Consul, Shanghai.

Revised regulations of trade on the Yangtsze-Kiang.

ARTICLE I. United States vessels are authorized to trade on the Yangtsze-Kiang, at three ports only, viz: Chinkiang, Kiukiang, and Hankow. Shipment or discharge of cargo at any other point on the river is prohibited, and violation of the prohibition renders ship and cargo liable to confiscation.

Native produce, when exported from any of these three ports, or foreign imports not covered by exemption certificate, or native produce that has not paid coast trade duty, shall, when imported into any of these three ports, pay duty as at the treaty ports.

ARTICLE II. United States merchant vessels, trading on the river, are to be divided into two classes, viz:

First class: *sea-going vessels*—that is, merchantmen trading for the voyage up the river above Chinkiang, lorchas, and sailing vessels generally.

Second class: *steamers* running regularly between Shanghai and the river ports.

These two classes of vessels will be dealt with according to treaty, or the rules affecting the river ports to which they may be trading.

All vessels, to whichever of the two classes they may belong, if about to proceed up the river, must first report to the customs the arms or other munitions of war they may have on board, and the numbers and quantities of these will be entered by the customs on the vessel's river pass. Permission to trade on the river will be withdrawn from any vessel detected carrying arms or munitions of war in excess of those reported to the customs, and any vessel detected trading in arms or munitions of war will be liable to confiscation.

Any vessel falling in with a revenue cruiser of the Chinese government will, if examination of them be required, produce her papers for inspection.

ARTICLE III. Sea-going vessels — United States merchantmen, lorchas, and sailing vessels generally, if trading at Chinkiang, will pay their duties and tonnage dues at Chinkiang.

If a vessel of this class is proceeding further than Chinkiang—that is, either to Kiukiang or to Hankow—her master must deposit her papers with the consul at Chinkiang, and must hand in her manifest to be examined by the Chinkiang customs; the superintendent of which, on receipt of an official application from the consul, will issue a certificate, to be called the Chinkiang pass, to the vessel. The Chinkiang pass will have entered upon it the number and quantities of arms, muskets, guns, swords, powder, &c., on board the vessel; also the number of her crew, her tonnage, and the flag she sails under.

The customs will be at liberty to seal her hatches and to put a customs employé on board her. On her arrival at Kiukiang, whether going up or coming down, her master must present her pass to the customs for inspection.

The duties on cargo landed or shipped at Kiukiang or Hankow must all be paid in the manner prescribed by the regulations of whichever of the two ports she may be trading at, and on her return to Chinkiang she must surrender her Chinkiang pass to the customs

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at Chinkiang, and the customs having ascertained that her duties and dues have been all paid, and that every other condition is satisfied, the grand chop will be issued to the vessel to enable her to obtain her papers and proceed to sea.

The customs will be at liberty to put an employé on board the vessel to accompany her as far as Langshaw.

Any United States vessel of this class found above Chinkiang without a Chinkiang pass will be confiscated. Any junk without Chinese papers will similarly be confiscated.

ARTICLE IV. River steamers.—Any United States steamer trading regularly in the river will deposit her papers at the United States consulate at Shanghai, and the customs, on application of the United States consul, will issue a special river pass (or steamer pass) that shall be valid for the term of six months. Steamers trading on the river under this pass will be enabled to load and discharge, and will pay duties according to the rule affecting river steamers.

On arriving off Chinkiang or Kiukiang, the steamer, whether proceeding up the river or down, will exhibit her pass to the customs

The tonnage dues leviable on any steamer holding a river pass shall be paid alternately at Chinkiang, Kiukiang, and Hankow.

The customs are at liberty to put a tide-waiter on board a steamer at any of these ports to accompany her up or down stream, as the case may be.

Infringement of river port regulations will be punished by infliction of the penalties in force at the ports open by treaty; for a second offence the steamer's river pass will also be cancelled, and she will be refused permission to trade thenceforward above Chinkiang. Any steamer not provided with a river pass, if her master propose proceeding above Chinkiang, will come under the rule affecting sea-going vessels, laid down in Article III, and will be treated accordingly.

ARTICLE V. River steamers' cargoes.—First. Where native produce is shipped at a river port, on board a steamer provided with a river pass, the shipper must pay both export and coast duty before he ships it. If it be for export to a foreign port, this should be stated when the produce arrives at Shanghai and if it be exported from Shanghai within the three months allowed, the shipper will obtain from the Shanghai customs a certificate of its re-exportation; on production of which at the river port of shipment, whether Chinkiang, Kiukiang, or Hankow, the customs of that port will issue a drawback for the amount of coast trade duty paid.

Second. When import cargo is transhipped on board a river steamer at Shanghai, it must first be cleared of all duties. The transhipment will not be authorized until the customs are satisfied that the import duties have been paid.

ARTICLE VI. Native craft owned or chartered by the United States merchants will pay duty on their cargo at the rates leviable on such cargo, under the treaty tariff. All such craft will further have to be secured by bond in the manner laid down in the provisional rules published on the 5th December, 1861, and, on entry into any port, will pay port dues according to Chinese tariff If the cargoes of native craft so employed do not agree with their cargo certificate, the amount specified in their bonds will be forfeited to the Chinese government. This provision is only valid until tranquillity is restored along the river.

ARTICLE VII. United States vessels of all classes, as well as junks, owned or chartered by United States merchants, must apply to the customs at the port of departure for a cargo certificate, (tsung-tau,) which, on the vessel or junk's arrival at the port of destination, must be handed in to the customs before permission to discharge can be given.

The above regulations are provisional, and open to revision if necessary.

Mr. Burlingame to Mr. Seward.

No. 30.] LEGATION OF THE UNITED STATES,
Peking, December 10, 1862.

SIR: I have the honor to inform you that I have just received from our consul, Mr. Mangum, at Ningpo, the following case for diplomatic action. The papers are so voluminous that I beg only to state their substance, with my action thus far.

Captain King, of the American bark Agnes, paid duties, and received a permit to discharge cargo at Ningpo. While discharging cargo he got into a dispute with a tide-waiter, by the name of Smith, about the time (sunset) when he should cease, and threatened with many curses, as the latter alleges, to throw

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him overboard. The captain denies this, but two witnesses are named by the superintendent of customs to prove it. On this statement of facts, the superintendent of customs addressed a letter to Captain King, in which he stated that the goods landed after sunset should be seized, and a prohibition put upon the vessel from landing any more cargo until he should apologize and pay a fine of three hundred taels. In this position of affairs the superintendent was sustained by the Taoutai. Mr. Mangum considered this as an infringement of his jurisdiction, and, after failing to get any satisfaction, addressed me the following despatch, together with all the papers in the case:

UNITED STATES CONSULATE,
Ningpo, November 3, 1862.

I have the honor herewith to transmit to you copies of communications that have passed between his excellency the Taoutai of Ningpo and myself in regard to the American bark Agnes, owned and commanded by T. H. King, and now lying at this port.

The communications explain the respective positions of his excellency the Taoutai and myself. I maintain that the Chinese authorities have no right to withhold a right from American citizens, or to punish them under any circumstances, except in the case of contraband goods; but for any alleged improper conduct, they can be judged and punished solely by their consul. The custom-house authorities, on the other hand, maintain that they have the right in this instance to prohibit the landing of cargo until their demands are complied with; that the captain shall pay three hundred taels, and render an apology to the commissioner of customs. In addition to these communications, I have had two personal interviews with his excellency the Taoutai, in which I strongly protested against his conduct as being unjust and illegal; but being unable to arrive at any satisfactory settlement of the case, I refer it to your excellency, and will await your action.

I have the honor to be, sir, your obedient servant,

W. P. MANGUM,
United States Consul.

His Excellency ANSON BURLINGAME, *&c., &c., &c.*

To the above letter I made the following reply:

PEKING, *December* 9, 1862.

SIR: On the receipt of the papers in the case of the American bark Agnes, I at once brought the facts to the attention of the government. The officers who communicated with me through my interpreter professed great desire to accede to my wishes to have the ship released, and the damages for her detention paid, and stated that if I would in a formal despatch place the facts before them, they would communicate them to Sich, the superintendent of trade in the province in which Ningpo is situated, with instructions that, if he found the facts as I had stated them, at least the ship should be instantly released.

I shall at once make such statement, and have it interpreted and acted upon. I regret that the mail which will take this leaves this morning; but their letter will doubtless be sent at once by their own courier overland. The case, as it comes to me, is somewhat embarrassing. The captain states one thing, and the superintendent of customs another. The captain denies having violated the customs regulations. Mr. Giguel declares that he has, and names two witnesses to prove it.

Now it is clear that the Chinese government, by the treaty, has the power to make customs regulations, and to enforce them by seizure and confiscation of property; but it has no power to impose fines, because these are imposed upon persons, and look to possible arrest and imprisonment. Punishment, by the

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XIth article of the treaty, can only be inflicted by the consul of the country to which the citizen belongs.

If Captain King, in this case, landed goods in violation of the regulations, the government was right in seizing them. If he did not, and it seized them illegally, then it was wrong, and the question becomes a political one for reference to the diplomatic agents at Peking, to be negotiated and decided upon according to the evidence and equity of the case. It is not necessary for the Chinese government to go into our court with such questions. It cannot if it would.—(See Attorney General Cushing's opinion in consular instructions.) The Chinese government has nowhere in the treaty yielded up its sovereignty so far as to preclude it from enforcing its own revenue laws on its own territory, but, on the contrary, has expressly reserved the right to do so.—(See rules 6 and 10 of the supplemental treaty.)

In this case, when the superintendent of customs undertook to punish, by demanding that Captain King should come before him to relieve his person from the charge of having done an improper act, and by putting a prohibition upon his vessel until he should purge himself by apology and fine, he was wrong, and the Taoutai was wrong in sustaining him. Captain King, you say, had paid the duties, and had received a permit to discharge his cargo. He was therefore entitled to discharge it, subject only to the seizure of that portion discharged in violation of port regulations.

These hasty views are not a decision, as there is no case before me for judicial action. I shall do all I can for Captain King; but his misfortune is, that it will take so long to get action on the part of the Chinese government. I must thank you for doing all you could to settle the matter amicably.

I have the honor to be your obedient servant,

ANSON BURLINGAME.

WILLIE P. MANGUM,
United States Consul.

I shall inform you of the result. I fear, as soon as Sherrod Osburne, an energetic officer, takes command of the Chinese navy, we shall have sharp work. Our people, under the old *regime*, were not subject to a very severe application of customs regulations, and may be troubled for a time by an energetic enforcement of them by foreigners employed by the Chinese government. But we have agreed by express treaty stipulations to permit them to employ Americans without even asking our permission, (see rule No. 10,) and thus we are estopped from doing more than to hold the government to a strict accountability for any injustice it may do by an improper enforcement of its revenue laws.

I have warned my countrymen, that if they would not have trouble, they must strictly observe the customs regulations. I shall do all I can to see to it that they shall not suffer from ignorance of the regulations, by notifying them and by giving my opinions upon them as often as a proper opportunity shall offer. A great number of decisions must be made by me, which, if rightfully made, will be of service to those who shall come after me in China.

I have the honor to be your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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Mr. Burlingame to Mr. Seward.

No. 31.] LEGATION OF THE UNITED STATES,
Peking, December 12, 1862.

SIR: I have the honor to send you, marked A and B, the continuation of my correspondence with the Chinese government, touching the merchant consul question. How long it may continue it is impossible for me to say. I send you also a letter, marked C, addressed to Commander McDougal on his arrival, if upon the China station. I shall send Nos. 29, 30, and 31 by way of Russia. Be so kind as to note the time of their arrival. I have just received the news of the glorious victories in Maryland, and, strange to say, I have the news of them by California, the overland route, and by Russia, to exactly the same date.

I have the honor to be your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

A.

OCTOBER 31, 1862, (*the 9th day of the moon, in the 1st year of the reign of Tungchi.*)

Prince Kung, chief secretary for foreign affairs, herewith makes a communication.

On a former occasion I made a communication to your excellency, with reference to the American consul in New Chwang being still engaged in business, desiring that you would put a stop to such a proceeding. Whereupon you communicated a reply, to the effect that there was nothing said in the treaty as to merchants not being allowed to act as consuls, and that the late minister, Mr. Reed, in his communication on this subject, had only reference to the five ports; furthermore, that this question should be waived until the American government shall have sent out a regularly appointed consul, when you would communicate on the subject again, &c. Now, examining into the matter, I find that the treaty with your country was concluded in the 5th moon of the 8th year of the reign of Hien Fung, (June, 1858,) and that Mr. Reed's communication was made in the 10th moon of the same year, (November, 1858.) How, then, can it be said Mr. Reed had reference only to the five ports? The fact is, while he was engaged in settling the point in the supplement to the treaty, Commissioner Kweiliang, finding that no distinct stipulation had been made in the treaty, that no consul should engage in mercantile transactions, made a communication on the subject to Mr. Reed, whereupon the latter communicated his reply. Now the Chinese government has inserted this reply of Mr. Reed into the supplement of the treaty, and it is therefore regarded as forming a part of the treaty itself, so that it can no longer be fairly asserted that the treaty is not explicit on this subject, and is therefore to be regarded as an open question. But if your excellency insists upon the letter of the treaty itself, then I beg to remind you that it is equally silent as to American citizens being allowed to establish themselves in New Chwang. Now, no distinction has been made between them and the English and the French. They have established themselves there, equally with the latter. And since, in the treaties with the English and the French, it is distinctly stipulated that no merchant shall be allowed to act as consul, hence it is reasonable that your government should also act according to this regulation. If, therefore, your government resolves to adhere strictly to the express stipulations of the treaty, and prevent

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American merchants from resorting to New Chwang, then of course nothing more is to be said on the subject; but if your citizens are to settle in the latter place, then there ought to be a conformity to the regulations of the other governments, and no merchant be allowed to perform the duties of a consul, so that there might be a uniformity of practice. Now, amicable relations subsisting between our two governments, if, on the one hand, it be insisted that Mr. Knight should be removed at once, it would look like an unfriendly proceeding; and if, on the other, no remonstrance be made against his acting as consul, some difficulties might arise. This communication is therefore made with the expectation that your excellency would without delay write to your government, to the effect that a regularly appointed consul be sent out at once to New Chwang, and thus avoid the necessity of much longer having a merchant act as such. Yours is a great country; it is certainly not supposable that it is deficient in such as could be employed as officers. Henceforth, then, it is hoped that in whatever port your citizens may establish themselves, consuls will be appointed according to the statement herewith made, and no more have recourse to merchants acting as such, and thus further discussions might thereby be avoided. It is hoped that your excellency will settle this point without delay, and make a reply to this communication.

His Excellency Hon. ANSON BURLINGAME,
Minister Plenipotentiary of the United States of America, in China.

B.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States to China, has the honor to reply to the communication of his Imperial Highness Prince Kung, chief secretary, &c., of October 31, that he has re-examined the treaty, and must again say that he can find nothing in it to prevent the United States from appointing men who are engaged in trade consuls.

As to the casual remark of Mr. Reed in his letter to Kweiliang, made long after the treaty had been signed, and constituting no part of it, nor of the supplementary treaty, that it was the law of his country that no man engaged in trade could be consul, the undersigned has to say that Mr. Reed was in error, for his country had such consuls in every part of the world, and even Mr. Reed himself appointed Mr. Nye at Macao, who was, and still is, a merchant. Mr. Reed did not intend to deceive, but probably was thinking of salaried consuls, and had, doubtless, for the moment forgotten the practice of his country.

The undersigned is sure your Highness does not object to men who trade, with a view to cast any reflection upon them, because you must be aware that in the United States there is no distinction between citizens, but that every one of good character may be appointed to office.

The right to go to New Chwang is derived from the favored-nation clause as expressed in Article 30 of the treaty, and from Article XI of the British treaty opening New Chwang to trade. As to the suggestion of your Highness, that, deriving our right under the favored-nation clause, we must take it with the conditions of the nation from whose treaty we derive our right, the undersigned has the honor to reply that he denies it, and expresses his surprise that your Highness should have made the assertion that by express provisions in the English and French treaties, merchants are not permitted to act as consuls, when there are no such provisions in those treaties. It is the policy of those countries in China, as it will probably be of the United States, not to appoint merchants as consuls, save provisionally, but there is nothing in the treaties to prevent it. The undersigned, therefore, maintains the right of his country to

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appoint merchant consuls; but while the right is claimed, he, with your Highness, can see reasons why, in China, it should not be exercised, except provisionally, and accordingly he has written to his government, earnestly requesting it to appoint salaried consuls in those few ports where, as yet, they have not been appointed. In the mean time, however, he has to request that those good men who have been appointed in those ports, while they hold the seals of office and flag of their country, shall be respected accordingly, and to inform your Highness that any failure on the part of the local officers so to do will be resented as a violation of treaty rights and spirit—that of amity which now exists, and he trusts always will exist, between the two countries.

The undersigned reciprocates most cordially the sentiments of friendship for his country as indicated in the communication of your Highness, and renews the assurances of his high consideration, &c.

ANSON BURLINGAME.

PRINCE KUNG,
Chief Secretary, &c.

C.

SIR: I have the honor to acknowledge the receipt of your letters dated September 27 and 30, respectively, informing me of your arrival on the coast of China, and of the nature of your original and late instructions.

I congratulate our countrymen in China that they are to have so efficient an officer as yourself to watch over their interests. I shall confer frankly and frequently with you, to the end that we may co-operate harmoniously in securing our treaty rights, and in maintaining our treaty obligations. I can well appreciate your feelings, as a gallant officer, in being so far from the great struggle at home; but still you are under the orders of your government, and have been assigned to the most important naval station there is. I shall go to Shanghai to meet the consuls some time next spring, where I hope to meet you. I hope then you may find it in agreement with your instructions to accompany me to the north, and to pay me a visit at Peking, where our flag is permanently placed. I thank you for your kindness in bringing my things from Macao. They arrived safely and promptly.

I have the honor to be your obedient servant,

ANSON BURLINGAME.

Commander D. MCDOUGAL,
United States Steamer Wyoming.

Mr. Burlingame to Mr. Seward.

No. 32.] LEGATION OF THE UNITED STATES,
Peking, January 12, 1863.

SIR: I have the honor to forward the conclusion of the discussion in relation to the United States bark Agnes, which I hope will prove satisfactory.

"The undersigned [with titles] has the honor to address to Prince Kung [with titles] a communication. The United States bark Agnes, Thomas H. King, commanding, at Ningpo, after having paid duties and received a permit to land her cargo, was, after landing a portion, prohibited from continuing, under the following circumstances: A tide-waiter of the custom-house, by the name of Smith, got into a dispute with the captain of the vessel about the time when he should land his cargo: the tide-waiter claiming that the time (sunset) to cease

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landing had arrived; the captain that it had not. The tide-waiter referred the matter to the commissioner of customs, Mr. Giguel, who, without more question, proceeded to seize the goods already landed, and to put a prohibition upon the vessel from landing any more until the captain had apologized to him, the commissioner of customs, and paid a fine of three hundred taels. In this position the commissioner was sustained by the Taoutai. Now, the undersigned does not deny the right of the Chinese government to enforce its revenue laws by the seizure and confiscation of that property which is found after the owner has violated the law, as when goods have been smuggled; but he does deny the right of the Chinese authorities to punish or fine citizens of the United States under any circumstances. That can only be done, according to Article XI of the treaty, by the United States consul. In this case the captain, after the duties were paid and the permit granted, was entitled to land his cargo. If, in landing it, he violated the port regulations, then only so much could be seized as was landed contrary to law; that which had not been landed was where it had a right legally to be. The captain denies that he violated the law as to those goods already landed, and begs to go before his consul to purge himself of any improper act; but the commissioner of customs, sustained by the Taoutai, takes the law into his own hands, and undertakes to punish the captain not only by the seizure of the goods already landed, but prohibiting the landing of the remainder until the captain had apologized and paid a fine. All this was an infringement of the jurisdiction of the United States consul, clearly wrong, and renders the wrong-doers responsible to the captain for any damages he may have suffered by such illegal proceedings. The undersigned is instructed that the captain is a worthy man, who, in a trade on the Chinese coast of many years, has never sought to violate law. He is a large sufferer by the course taken, and every day is suffering more. Where citizens of the United States undertake to deal in contraband goods, the undersigned will always be most happy to expose them, and aid the Chinese government in bringing them to justice; but when they are in the course of legal trade, he must demand for them (what he is sure your Highness equally desires they shall have) the fullest protection. He then has to request that your Highness will at once instruct the officers at Ningpo to remove the prohibition from the vessel, to restore to the captain his rights, and to compensate him for whatever loss he may have been subjected to by these illegal proceedings.

"The undersigned engages that the United States consul at Ningpo shall enter into a full examination of the conduct of the captain, and punish him for any improper act he may have committed.

"The undersigned has the honor to renew the assurances of his distinguished consideration.

"ANSON BURLINGAME.

"PEKING, *December* 15, 1862."

Prince Kung, chief secretary for foreign affairs, communicates the following reply:

Yesterday was received a despatch from your excellency in which it is stated that an American vessel at Ningpo, after having paid the duties and received a permit to land her cargo, was, after landing a portion of the same, prohibited from proceeding, under the following circumstances: A tide-waiter of the custom-house got into a dispute with the captain of the said vessel as to the time in which the goods ought to be landed; the tide-waiter affirming that the time to stop landing (sunset) had already arrived, and the captain that it had not; whereupon the former referred the matter to the commissioner of customs, who proceeded at once to seize upon the goods already landed, and also to prohibit

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the vessel either to land the remainder of the goods or to take in a new cargo until the captain shall have paid a fine of three hundred taels, &c., &c.

Now, it appears to Prince Kung that since the said vessel, on her arriving at Ningpo, did pay the duties and also get a permit to land her cargo, although the custom-house had a right to send a tide-waiter on board of her to superintend the landing, it had none to seize upon any goods or impose a fine of 300 taels. However, no goods ought to have been landed after sunset; the captain therefore did wrong in attempting to land by force against the remonstrances of the tide-waiter. But, on the other hand, the custom-house ought to have simply informed the captain that he should wait until the following day, and then land his cargo. It was also wrong on the part of the custom-house to put at once a prohibition upon the vessel, and impose upon the captain a fine of three hundred taels. Now, the arrangements in the custom-houses—as the appointment of officers, &c.—were specially made with a view to have the business of the customs transacted in a manner agreeable both to this government and the respective foreign countries. This office, therefore, has already transmitted a despatch to the governor of Chikiang, calling upon him to have the matter thoroughly investigated, and, of course, if anything contrary to law was committed on the part of said vessel, to decide the case impartially according to the provisions of the treaty; but if no attempt to smuggle, and, indeed, nothing besides landing cargo after sunset can be laid to the charge of the vessel, then to withdraw at once the prohibition, and by no means exact any fine from the captain. As soon as information with reference to this matter shall have reached this office your excellency shall be informed thereof at once. In the mean time it is but proper that this should be communicated in reply to your excellency's despatch.

A communication to his excellency the Hon. Anson Burlingame, envoy, &c., &c.

DECEMBER 27, 1862.

The above despatch was translated by Mr. Schewescwesky in the absence of Dr. Williams, who has gone to Macao to bring up his family in the spring. I send this *via* Russia. Will you be so kind as to note the time of its arrival?

I have the honor to be your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Burlingame to Mr. Seward.

No. 33.] PEKING, *January* 29, 1863.

SIR: I have the honor to inform you that on the first day of the Chinese new year Prince Kung and suite made a formal call upon me for the purpose of tendering their good wishes. At the same time the Prince brought in a box the highly illuminated letter to the President, which I send you through the house of Russell & Co. The letter is in Chinese and Manchow. There is an assumption in the words "to soothe and bridle the world" which will cause you to smile. My first thought was to object to the language; but when I learned that it was formal, and was, substantially, what had been used before, and that the government really intended to be unusually kind, I thought it would be impolitic and ungracious to criticise the form in which that kindness was sought to be expressed.

I send you two translations of the letter, one marked A, by Mr. Schewescwesky, who interprets in the absence of Dr. Williams; the other, with note

marked B, by Mr. Wade, of the British legation. From these you will learn its true meaning.

The fullest equality is conceded to the President and the United States, by the position in which they are placed in the Chinese text, as well as by the language used in the beginning and at the end of the letter.

I feel that I am here to secure essentials, and not to raise questions about unimportant matters.

I do not suppose the President will be troubled to learn that the Emperor of China thinks he has received a commission "to soothe and bridle the world," but I imagine that he will be pleased to learn that I have established the most friendly relations with the Chinese government.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

A.

The Emperor of the Tateing dynasty salutes the President of the United States of America.

On the 25th day of the 7th moon of the present year, (August 19, 1862,) the President's envoy, Anson Burlingame, presented a letter from the President. On perusing it, we found it to be entirely expressive of sincerity and truth, and a desire for relations of long-continued friendship and peace, at which we were indeed greatly rejoiced; and we have instructed the office managing foreign affairs to show all proper attention to the envoy, Anson Burlingame.

Having, with reverence, received the commission from Heaven to rule the universe, we regard both the middle empire and the outside countries as constituting one family, without any distinction.

And acting sincerely in our mutual intercourse, we must endeavor to extend forbearance to each other. And we wish that our friendly relations with the President may henceforth increase in strength, and may we both enjoy the blessings of peace, the attainments of which undoubtedly will be most gratifying.

The 7th day of the 12th moon in the first year of the reign of Jungchi, (January 22, 1863.)

B.

His Majesty the Emperor of Ta-Tsing dynasty salutes his Majesty, the President of the United States of America.

Upon the 25th day of the 7th moon, [the President's] envoy, Anson Burlingame, having arrived in Peking, presented (or brought up) a letter from (the President,) which, when (we) had read it, (we) found to be written in a spirit of cordial friendliness, (breathing) nothing but a desire for relations of amity that should ever increase in strength. Our heart was much rejoiced, indeed, (by the perusal of this letter,) and we have instructed the office for the superintendence of foreign affairs to show all suitable attention to (or to receive satisfactorily) the envoy, Anson Burlingame.

In virtue of the commission we have with awe received from Heaven, (God,) to rule (to soothe and bridle) all the world, native and foreigner must be to us as one family, without distinction, and in our relations with man we must be thoroughly sincere in all things.

Now our friendly relations with his Majesty the President henceforth in

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crease in strength, and may both of us alike enjoy the blessings of peace. The attainment of such objects, we cannot doubt, would be most gratifying.

Translator's note.

The words signifying "to soothe and bridle the world," no doubt, imply that the Emperor, as Tien-Izie, son of Heaven, is to the sovereigns of the earth a superior, much of the sort that the Pope, at various periods, from the days of Hildebrand down, claimed to be. But beyond a remark to the Prince that we foreign nations do not admit that we can be "fu yu," "soothed and bridled," by any but our own governors, I should not, were I responsible for an opinion, recommend that further notice should be taken of the, at first sight *per se*, objectionable expressions. For the position of the terms United States and President admits the fullest equality between the nation and its ruler and the Chinese empire and its sovereign; and the salutation with which the letter commences is as significant of the equality of the President with the Emperor as words can be; while the close of the letter is scarcely less so, "that we may tung hsung together, or alike enjoy peace increasing," would certainly not have been written thus had the writer intended to hint that the person addressed was less than his equal.

T. W.

Mr. Seward to Mr. Burlingame.

No. 24.] DEPARTMENT OF STATE,
Washington, February 4, 1863.

SIR: Your despatch of October 27 has been received. The President learns from it, with much satisfaction, that the imperial government of China has adopted a national flag; and he will immediately direct that it shall henceforward receive from the navy and the mercantile marine of the United States the respect and the honors which maritime powers are mutually accustomed to pay to the ensigns of sovereignty. You will assure Prince Kung that the government of the United States will scrupulously persevere in the friendly relations with China which have already become a source of distinguished benefits to both countries.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, *&c., &c.*

Mr. Seward to Mr. Burlingame.

No. 25.] DEPARTMENT OF STATE,
Washington, February 4, 1863.

SIR: Your despatch of October 25 (No. 26) has been received.

The proceedings you have taken, and the views you have expressed in regard to the objection of Prince Kung to the newly appointed consuls at Hankow, Kiukiang, Neuchwang, and Tientsin, on the ground that they are allowed to trade, are approved. The remark of our late minister, Mr. Reed, which Prince Kung quoted in support of his objection, was an incidental one, and had and could have reference only to the characters and circumstances of the consuls then, actually in place, of whom he was speaking. It is, indeed, obvious that it would be preferable, in many cases, to have consuls who should receive adequate salaries from the government, rather than to employ, in that capacity, persons who carry on trade. But the extended condition of modern commerce renders it impossible for this or any other government to adhere to such a system exclusively. Consequently, every maritime power employs merchants as consuls. It is often sanctioned by treaties, and is recognized by the law of

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nations. At the present moment the government of the United States has peculiar reasons for practicing the utmost possible economy in the conduct of its diplomatic and consular relations. The President is fully aware of this fact, and he cannot, therefore, adopt your suggestion of recommending to Congress to attach salaries to the office of consuls in the new treaty ports of China. You will insist upon the allowance of an exequatur, in the usual manner, to the persons holding the office in these ports, unless some personal objection shall be laid against them.

The government has no knowledge, nor any reason to believe, that either ships or arms of any kind have been furnished by Americans to the rebels in China, and it will do all that shall be in its power to prevent any transaction of that kind that may be brought to its notice. You will receive herewith a copy of an order of the President, which inhibits all shipments of arms and munitions of war from the ports of the United States to any foreign country whatever.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 26.] DEPARTMENT OF STATE,
Washington, February 4, 1863.

SIR: Your despatch of October 27 (No. 27) has been received.

Your proceedings in regard to the appointment of a successor to General Ward are approved of. You will express to Prince Kung the President's sincere satisfaction with the honors which the Emperor of China has decreed to be paid to the memory of our distinguished citizen. He fell while illustrating the fame of his country in an untried, distant, and perilous field. His too early death will, therefore, be deeply mourned by the American people.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 27.] DEPARTMENT OF STATE,
Washington, February 28, 1863.

SIR: Your despatch of September 16 (No. 25) has just now been received, having been recovered from the wreck of the Colombo, which was charged with its conveyance.

The note of Doctor Williams, which accompanies it, presents, certainly, a very strong argument for the reorganization and enlargement of the legation and consular establishment of the United States in China. Congress has now arrived at the last day but three of its session. It would be impossible, under any circumstances, to procure, at such a time, a consideration of the reforms which you propose. It is not probable, however, that the subject could have obtained a favorable hearing if it had been presented at any stage of the present session. The war for the Union, which went forward so successfully at the beginning of the year, encountered reverses in July and August and September, which seemed, for a time, to confound the public mind, and plunge it into a state of morbid apprehension. It has been the occupation of eight

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months to restore the prestige of the national arms, and revive confidence at home and respect abroad. The expenditures required are, of course, immense, and the measures proper for applying them have been various and difficult. Congress had only ninety days to make, mature, and adopt them, amid the perplexities incident to such a crisis.

It has, therefore, been absolutely necessary to withdraw attention from all interests that were not vital, or at least urgent. Prudence and patriotism have combined in recommending this course.

The important subject you have presented so fully and so clearly will be reserved for consideration at the next session of Congress, which, we confidently expect, will assemble under better auspices than that which is now closing.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, &c., &c.

Mr. Seward to Mr. Burlingame.

No. 28.] DEPARTMENT OF STATE,
Washington, March 2, 1863.

SIR: I have to acknowledge the receipt of your despatch No. 29, of the 12th of December last, and to approve your proceedings therein recited. The regulations which accompanied will be at once made public.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 29.] DEPARTMENT OF STATE,
Washington, March 2, 1863.

SIR: I have to acknowledge the receipt of yours, No. 30, of the 10th of December last, and to approve your proceedings in relation to bark Agnes, therein set forth.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 30.] DEPARTMENT OF STATE,
Washington, March 3, 1863.

SIR: Your despatch No. 31, of the 12th of December last, was, with its accompaniments, received at this department on Sunday, the 1st instant, *via* St. Petersburgh. Your proceedings to which it relates are approved.

With reference to the objections of the Chinese authorities to our consuls being engaged in trade, I have to observe that this is a subject requiring the legislative action of Congress, which, being on the eve of adjournment when the question arises, it must be deferred until next session, when it will be laid before that body.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c.

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Mr. Seward to Mr. Burlingame.

No. 31.] DEPARTMENT OF STATE,
Washington, March 30, 1863.

SIR: Your despatch of the 12th of January last, (No. 32,) in which you present the conclusion of the discussion in relation to the United States bark Agnes, was received here yesterday, and is approved. You will embrace an early opportunity to make suitable acknowledgments to Prince Kung for his just decision in the case.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., *&c.*, *&c.*

Mr. Burlingame to Mr. Seward.

No. 36.] LEGATION OF THE UNITED STATES,
Peking, April 18, 1863.

SIR: I have the honor to send you the correspondence from our consul at Ningpo, enclosed, marked A, B, C, D, and E.

From this it appears that the French consul, Mr. Edan, undertook to secure a concession of a portion of the city of Ningpo to the French government, and that Mr. Mangum, the American consul, opposed that attempt, and referred the correspondence to me at Peking. I immediately, in an interview with the Chinese authorities here, supported our consul, not only because Mr. Edan's attempt was in violation of the arrangement made on the 13th of January, (see minutes,) but on the broad ground that any concession of territory would be an abridgment of our treaty rights; that it was our right to buy and sell and live in any part of any treaty port; and that any such concession would infringe that right, and if they might concede a part they might the whole, and I warned them that such concessions, if made, would not only destroy our treaty rights, but that they would be the beginning of a disruption of the empire. They informed me that they had not granted any concessions, nor would they, and thanked me for taking a position so in accordance with their rights. I never failed in my interviews to keep the non-concession doctrine before them, because I had been made aware in Shanghai, by conversations with the British consul, that he and the British residents supposed they had a *quasi* territorial concession at Shanghai over which they could maintain jurisdiction not only over British subjects, but over Chinese. This assumption led the French to make like claims, and the result was that there was a race, apparently, between the British and French local authorities as to which could secure the most. I brought the question, in many conversations, to the attention of the British and Russian ministers, and, since his arrival, to the French minister. I am happy to say that I found my views accorded with theirs, and that we are now, on this most important question, in perfect agreement; and this agreement is a guarantee of the territorial integrity of the Chinese empire.

As an earnest of the sincerity of Sir Frederick Bruce on this subject, I send you copies of letters and extracts, from letters marked F, addressed by him to her Majesty's consul at Shanghai. From these it will be seen that Sir Frederick Bruce takes the non-concession ground most strongly.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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A.

Mr. Mangum to Mr. Burlingame.

UNITED STATES CONSULATE,
Ningpo, September 4, 1862.

SIR: I have the honor to transmit to you copies of the correspondence between Monsieur P. Edan, consul of France at Shanghai, and myself, in regard to the matter of "concession" on the Keang Pilo site; also a communication from Monsieur Edan to the Taoutai of Ningpo, demanding a separate French concession, the limits of which are therein stated.

At the conference held by the three treaty powers at this port on the 13th of January last, when it was determined to take joint possession of the Keang Pilo site "for defensive purposes," it was understood, we think distinctly, that all necessary measures for the protection and prosperity of the settlement should be the joint efforts of the three treaty consuls residing here, and that no other arrangement should be entered into until the course we had deemed necessary to adopt should be decided upon by our respective ministers at Peking. This arrangement was again approved of at the second conference held by the said treaty consuls on the 31st of May last, after the expulsion of the rebels from Ningpo. Monsieur Edan's demand upon the Taoutai for a separate French concession embraces perhaps the most valuable and important portion of the Keang Pilo settlement, and includes the greater portion of the property belonging to Americans settled here—property owned principally by American missionaries who were the first foreigners to settle on this side of the river. A sense of duty compels me to oppose this demand, and I lay the matter before your excellency, that, in conjunction with the representatives of the three treaty powers, some satisfactory adjustment may be determined upon.

I have, &c,

W. P. MANGUM,
United States Consul.

His Excellency ANSON BURLINGAME,
United States Minister, Peking, China.

B.

Mr. Mangum to Monsieur Edan.

UNITED STATES CONSULATE,
Ningpo, August 29, 1862.

SIR: I have the honor to acknowledge the receipt of your communication of the 18th instant, enclosing a copy of the communication addressed by you to his excellency the Taoutai of Ningpo, demanding a separate French concession in the Kiang Pilo settlement, which I found awaiting my return from the country where I have been absent for several days in consequence of ill health.

I reciprocate heartily the regret you expressed at not being able to meet and talk with you upon the subject in question, involving the interests of so many parties, and frankly confess that a sense of duty compels me to refuse my assent to the step you have taken as being in direct contravention to the understanding among the three treaty powers at the conference held on the 13th of January last, and ratified at the conference held on the 31st of May last, to wit: that this matter should be referred to our representatives at the court of Peking, and we abide by their decision—it not being supposed at the time to be in the power of either of the consuls to make a demand for a separate concession. Again, the portion you have demanded for a separate French concession embraces the oldest settled and most valuable part of the foreign settlement, including the greater part of the property belonging to the American missionaries, who established the first foreign mission on the Kiang Pilo site. This fact, I presume, you may not be aware of, and I trust that you will at once see the injustice of transferring such large and valuable interests beyond the jurisdiction of their representatives at this port.

In fact, sir, when we take into consideration the situation of the property belonging to foreigners here, mixed together in all conceivable ways, I do not see how separate concessions can be made in the Kiang Pilo settlement without great injustice to the citizens of at least two of the treaty powers.

Copies of your communication and this reply I will transmit by the earliest opportunity

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to the United States minister at the imperial court of Peking, where, by consultation with the representatives of France and England, some satisfactory settlement may be arrived at.

With sincere wishes for your health and happiness, I have, &c.,

W. P. MANGUM,
United States Consul.

Monsieur B. EDAN,
Consul de France, Shanghai.

C.

Minute of a conference held at the United States consulate at Ningpo, Chusan, this morning, the 13th day of January, 1862. President, Captain J. Corbett, her Majesty's royal naval steamer Scout; President, Willie P. Mangum, United States consul at Ningpo; President, Frederick Harvey, her Majesty's consul at Ningpo.

Whereas certain forces in opposition to the government of China have captured the city of Ningpo and its surrounding districts; and whereas, in the absence of any imperial authority, it is necessary for defensive purposes, for the protection of life and property, and for the general security, order, and good government of foreigners residing in Ningpo, that certain limits should be clearly defined, within which those foreigners are to reside, free from molestation, aggression, and interference of any kind: For these purposes, the undersigned, as the only representatives of foreign powers at this port, have this day met together at the United States consulate, and have, after consultation, agreed and determined upon the following articles, viz:

1st. That that tract of land, or country, or promontory, known as the Keang Pilo site, and comprised within the boundaries or limits drawn by the Yung river, the Yu Yaon river, the Ken Po Foo creek, and a line drawn across the fields from the Sze-Ken-Merrin, (or temple,) to join the Yu Yaon river above mentioned, (the whole site forming an irregular quadrangle or trapeze,) shall, from this date and hereafter, be opened and considered as the foreign site, within which such foreigners shall reside, free from any interference of any nature whatever, always subject to their respective treaty obligations.

2d. The undersigned reserved to themselves to make and establish such rules and regulations within the limits above mentioned as the future necessities of the settlement may render necessary, such regulations to be in conformity with the provisions of the respective treaties with the imperial government of China.

3d. The above agreement, to which the undersigned have appended their approval and signature, will be submitted without delay to the high ministers and officers of the nations to which the undersigned, respectively, pertain and belong.

JOHN CORBETT,
Captain, her Majesty's Scout.
W. P. MANGUM,
United States Consul, Ningpo.
FREDERICK HARVEY,
Her Majesty's Consul, Ningpo.

D.

FRENCH CONSULATE,
Ningpo, August, 1862.

SIR: I have the honor to inform you that I have addressed, yesterday, to his excellency the Taoutai Tchang an official demand for the purpose of obtaining the concession of a piece of land, to be appropriated to the residence of my countrymen, upon that part of the campo where there is already a chapel and cemetery.

I add here the copy of my despatch to that functionary, for your personal edification, upon a subject which interests both of us. How much I regret, sir, that your absence from Ningpo, at the moment when I arrived there, had not permitted me to converse with you in advance of the subject which led me there. I should have liked to enter into communication of ideas with you upon the solution, to give to the question, for a long time in suffrance, of the strange concession in his part, to convince you that the conference of January 13, like that of May 21, are equally favorable to the determination that I have taken.

The consul of England, to whom I have imparted equally my despatch to the Taoutai,

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does not partake of my manner of seeing, and has declared for a joint concession in preference to a division between three. Without speaking to you of the inconveniences that I find in this unity of governments, of which the most immediate is that of translating itself into a single and unique influence which absorbs the other two, I limit myself to tell you that I have transmitted all my correspondence relative to this affair to the legation of France at Peking, so that a definite understanding between the three ministers may put at last an end to the provisional rule which destroys the future of the campo.

I do not know, sir, and dear colleague, if my proceeding will find a support or an adversary in you, but I am sure beforehand of this, that it will be received by you with benevolence and courtesy. Whatever may happen, you will render it this justice in default of all other, that at least it has the inappreciable advantage of (giving motion to) life, in calling out the community of Ningpo from a state of uncertainty prejudicial to all interests.

I have, &c.,

B. EDAN.
The Consul of France.

E.

FRENCH CONSULATE, *Ningpo, August* 17, 1862.

B. Edan, French consul at Shanghai and Ningpo, addresses the present necessary official communication to his excellency Tchang Taoutai, of Ningpo:

HONORABLE TAOUTAI: The treaty concluded the 7th day of the month of June, 1858, (7th day, 5th moon, of the 8th year of Heinfung,) between the great empire of France and the great empire of China, contains in its article 10 a stipulation entirely identical with the 22d article of the first treaty between our two nations, in date of 9th day of the 9th moon of the 24th year, Taokwang.

This agreement between the two treaties proves how much the two commissioners who have written them have judged this clause necessary, as much to assure to their countrymen a special place of habitation, sheltered from all possible controversy, as to guarantee them from an absorption without that inevitable, in the midst of foreign competitors much more numerous, and disposing of a more considerable capital. Here is the tenor of article 10, of which this is the point (follows the text entire of the article cited.)

Without speaking of concessions obtained by other empires upon a vast scale at Canton, at Shanghai, Hankow, Tchen Kiangfoo, &c., it suffices to say that the French, until now, have not made use of the right of concession, and as yet in very modest proportions, only at Canton, Tientzin, and Shanghai. Now, (in consequence) of efforts and sacrifices which the government of his Majesty the Emperor has made to bring back peace and commerce into the country submitted to your administration, the French interests have taken in the port of Ningpo a (development) which exacts in this locality a new application of article 10, before cited, of which the small importance of those interests had not until then made them feel the need.

The campo has been declared recently, by official act of three consuls of France, England, and America, foreign concession. It is to this title that Mr. Obry, one of the officers of the imperial navy who have commanded in this port, has cause to disappear the (pavilions) planted by the rebels, and chased those of the bandits who pretended to show themselves there freely. It is, then, on this land, assigned without controversy on your part for the dwelling of foreigners, that it is expedient that a place may be fixed for the French concession, and to this effect, that no one may be ignorant of it, I pray his excellency to make known by a public proclamation that, in virtue of his powers, and conformably to the treaties of France with China, it has determined that the limits of the quarter designed for the residence of the French shall be those hereafter to be known: at the east, the river which leads to Tchenpai; at the south and west, the river which leads to Yu Yao; at the north, a line drawn from the pavilion of the green-house to the pavilion of the pagoda called Yangshen Tsonye, and serving for the preparation of tea; this line, prolonged to the river of Yu Yao, goes to meet the land of a Chinese called Sic. I pray you, moreover, honorable Taoutai, to have the goodness to announce in this notification: first, that in the case where indigenous proprietors should refuse to sell to the French in the limits defined above, or exact any prices which are not conformable to the Chinese prices current, you will intervene to endeavor to make the people obey the prescriptions of the article of the treaty above; and, second, that as for the subjects of other empires who would wish to make a settlement in the quarters which are now in question, they should have to explain themselves to this effect with the consul of the nation which this proclamation concerns. By that a proof will be given to foreigners that the French authorities, in claiming a conces-

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sion of ground for their countrymen have not had in view to hinder respectable interests from establishing themselves by the side of them, but that they have wished only to make a reservation in favor of interests which they have for a special duty to protect.

It is for this end that I have the honor to address to you the present despatch, which is so much the more worthy of your attention as it is a direct appeal to your fidelity to the treaties and to the sentiments which ought to preside over our mutual relations.

B. EDAN.

F.

PEKING, *September* 8, 1862.

SIR: With reference to your letter on the proposals made for the management of Shanghai, I have to observe that there is great misapprehension of the position of these so-called foreigners' concessions. The British concession at Shanghai was neither a transfer nor a lease of the land in question to the British crown; it was simply an agreement that British subjects should be allowed to acquire land for their personal accommodation within a certain space, in order that they might have the advantage of living together. The land so acquired remains Chinese territory; it is subject to the land tax; and if the jurisdiction of the Chinese government over it is desired, it is denied, because in China it was deemed essential for the security of British trade that the person and establishment of the trader should be secured from molestation. But the character of the concession has been entirely altered by the acts of foreigners themselves. Instead of being a foreign settlement, it has become a Chinese city, in which a few foreigners reside, amidst a large Chinese population. The security and comfort which were supposed to be derived from isolating the foreign community have been sacrificed, and land has been acquired, not for the legitimate purpose of accommodating foreigners, but in order to build on it Chinese houses, which are tenanted by Chinese at high rents, attracted by the protection our bayonets afford, and by immunity from their natural authorities. This system to be proposed to extend as far as it may suit the interest or convenience of parties on the spot, and it appears that the Chinese population so collected is to be exterritorialized, as well as the land they occupy.

The Chinese governor is to be deprived of his power of dealing with them; they are to be taxed for municipal purposes, and his interference is to be limited to judgment and punishing them in cases which the foreign head of the nation, to which the owner of the property occupied belongs, permits to be brought before his tribunal. The consummation of this system is to be the erection of Shanghai into a free port, with a mixed consular and municipal government, under the joint protectorate of the treaty powers. It is my duty to remind you that the Chinese government has never formally abandoned its rights over its own subjects; nor has her Majesty's government ever claimed or expressed any desire to exercise a protectorate over them.

The only case in which, consistently with the principles laid down for the guidance of her Majesty's authority in this country, the consul has a right to interfere, is where the Chinese is in the employ of a British firm, and where there is reason for believing that the arrest of a Chinese servant is an outrage, through him, on his employer. But it is the interests of the British subject, and not the Chinaman, which are protected.

I don't understand what interest her Majesty's government has in lending itself to a system which is unjustifiable in principle, which would be attended with endless embarrassment and responsibility, and which the Chinese government would never submit to willingly. Great Britain has no interest except in providing a secure place for British trading establishments; and whatever inconveniences may arise from the conversion of the settlement into a Chinese town, I do not think her Majesty's government will be induced to seek a remedy for them by extending its jurisdiction over a larger section of the Chinese population. Because we protect Shanghai from falling a prey to a horde of brigands, it does not follow that we are prepared to interfere with the natural relation of the Chinese to their own government. I must impress upon you most strongly the importance of not lending yourself to any proposal which will lead, however indirectly, to such serious alterations in our position in China, as are evidently contemplated by some of the residents at Shanghai. I am convinced that her Majesty's government would wish to see the limits of the so called concession reduced, so as to exclude the Chinese, rather than extended, so as to embrace a greater number of them. Our interests in China are trade and pacific relations with the authorities; and I know no more fertile sources of misunderstanding than the collection of Chinese within our limits. This is not a question which affects Shanghai alone; it affects our relations with the whole Chinese empire; and, considering the effect of our ex-

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ample, it is of the utmost importance that we should take no step which cannot be defended upon sound international principle.

I request you to reconsider the laws and regulations with reference to the principles laid down in this despatch.

F. W. A. BRUCE.

PEKING, *January* 22, 1863.

I wish you to understand, that by treaty we have no right to interfere between the Chinese people and their authorities; that the words "sanctity of the British concession" have no meaning, and that we have no power to compel the Chinese, who live within the so-termed concession, to pay any tax for local purposes, except through and with the consent of their own authorities. I am inclined to think that the whole system at Shanghai is a mistake; that the police arrangements of the Chinese within the lines would be more efficiently and more economically done through themselves than it is done by Europeans, and that our management is both extravagant and oppressive. I beg you also to remember that what is done in a military point of view is for the defence of the settlement, and that her Majesty's government has a right to expect that any charges for that purpose will take the precedence of local improvements, which, under the circumstances, might be desirable. If the Chinese are taxed for local purposes to the utmost, it only proves, as I said above, that the system is a bad one. If the assistance given to Shanghai entitles us to a voice in the matter of taxes, no distinction ought to be made between the people in the settlement and those in the city. There ought to be no difference made in favor of the settlement. In fact, the accumulation of Chinese there is a great misfortune, and would make neutrality impossible should the government wish to leave Shanghai to take its chance. It is a great source of danger and insecurity of our interests, and by ignoring the jurisdiction of the Chinese government over the inhabitants, we release from any claim under the treaty in case of incendiary fires, &c. That is a point not sufficiently borne in mind by the community.

PEKING, *November* 5, 1862.

SIR: In reply to your despatch (No. 148) requesting my advice as to the proposals made by the Taoutai for the taxation of Chinese subjects within the limits of the so-called British concession, I have to observe that there is nothing in the treaties which warrants me in interfering, in any way, in such questions. The Taoutai is entitled to levy taxes as he pleases, and as long as he merely seeks to impose taxes on persons resident in the concession, which are paid by those living in the city and suburbs, I see no reason for objecting to it at a time when it is our interest, as well as that of the Chinese, that the government should not be deprived of its resources.

A heavy responsibility will rest on the consul of any port should his actions in such matters lead to the disbanding or mutiny of the highly-paid force under foreign officers, which the Chinese have imbodied by our advice.

I am, &c.,

F. W. A. BRUCE.

Mr. Burlingame to Mr. Seward.

No. 37.] LEGATION OF THE UNITED STATES,
Peking, May 15, 1863.

SIR: I have the honor to inform you that I received a letter from Edward Cunningham, esq., of Shanghai, dated April 16, 1863, in which he writes:

"You will observe by the newspaper that we are proceeding to remodel our government in the best manner we may. The committee appointed (I am one) have held their first meeting, and determined that Mr. Bruce's views (see letters in despatch No. 36) were unquestionably sound, and the only course for the community is to form a system founded on the principles he expounds. We therefore are now preparing a letter to the foreign ministers, in which, after stating the imperious necessity that exists for some government of the place, stronger than any the Chinese can give, we ask an expression of opinion upon the principles which we propose.

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"We go no further until we learn whether the ministers will support a municipal system founded upon these principles.

"If they will, we shall then proceed to elaborate details, upon which we shall again ask their comments and approval or disapproval. Proceeding in this cautious way, perhaps we may save the settlement from the disasters that will befall it if all foreign elements in the municipal control are banished.

"The principles are, briefly, that whatever authority (territorial authority) is established shall be derived directly from the imperial government through our ministers.

"That such authority will not extend beyond simple municipal matters—roads, police, and taxes for municipal objects.

"That the Chinese, not actually in foreign employ, shall be wholly under the control of the Chinese officers, just as much as in a Chinese city.

"That each consul shall have the government and control of his own people, as now, the municipal authorities simply arresting offenders against the public peace, handing them over and prosecuting them before respective authorities, Chinese or other, as the case may be.

"That there shall be a Chinese element in the municipal system, to which reference shall be made, and assent obtained to any measure affecting the Chinese residents, if the necessary concurrence can be obtained that all the foreign quarters shall be united under one municipal system."

Immediately on the receipt of this letter, I consulted with their excellencies the British, Russian, and French ministers, and addressed to Mr. Cunningham the following letter as the result of that consultation:

"LEGATION OF THE UNITED STATES,
"*Peking, May* 9, 1863.

"SIR: I had the honor to inform you yesterday that I had consulted with their excellencies Sir Fred. Bruce and Colonel Ballurzeck in relation to municipal regulations for Shanghai, and that they had assented to the principles as briefly stated in your letter of April 16, 1863, as a proper foundation for a municipal system.

"I have now to inform you that I have consulted with his excellency Mr. Berthing, and that he cordially agrees to the same, and will unite in recommending such a system to the Chinese government.

"In arranging the details of your system, it is suggested that great care should be taken to conserve the feelings and interests of the different nationalities, to the end that future jealousies may be prevented.

"I have, &c.,

"ANSON BURLINGAME.

"E. CUNNINGHAM, Esq."

I hope we have in this agreement laid the foundation of a municipal system for what is soon to be, if it is not already, the largest city in the East.

This agreement would not have been possible, but for the antecedent agreement about concession, of which I gave an account in despatch No. 36.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD.

Mr. Burlingame to Mr. Seward.

No. 38.] LEGATION OF THE UNITED STATES,
Peking, May 16, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch of November 24, 1862, (No. 21,) commending Colonel Raasloff, chargé d'affaires of Denmark, to my good offices, both on account of his personal and representative

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character. I at once addressed a letter to him at Tientsin, through Mr. Pomeroy, our consul, inviting him to become my guest while he should remain in Peking.

Accidentally informing Sir Frederick Bruce of what I had done, he informed me that he had sent horses for him to Tangchaw; and that he would take it as a kindness on my part, if I would, considering the relation of England and Denmark by the marriage of the Prince of Wales to the Princess Alexandra, yield up Colonel Raasloff as his guest, which I most readily, under the circumstances, did.

The first notice we had of his arrival at Tientsin was from the quite angry despatch marked A,* addressed to the different legations by Prince Kung. I immediately addressed to the Prince the note marked B. While we were discussing the matter I went one day to the foreign office, where, to my surprise, I found Colonel Raasloff and suite. It seems the guide, an English soldier, lost himself, and the colonel, after riding round in the dust for two or three hours, saw an old man in a large mandarin cart, and, not knowing who he was, presented his card in Chinese to him. The old man turned out to be Chunglung, one of the chief officers of the empire, who instantly conducted the colonel to the foreign office, where I fortunately happened to arrive about the same time. I made the necessary explanations, when, after a hearty laugh, the question of irregularity in arriving was waived. The colonel has entered upon his negotiations under the most happy auspices, the singular event on his arrival being one of them, and I have no doubt will negotiate a treaty which will be satisfactory. We are all but too happy to aid him, not only because of the instructions from our respective governments, but because of the interest he has awakened in us by his rare personal qualities.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

To Prince Kung, Chief Secretary of Foreign Affairs:

I regret that anything should have occurred to prejudice the interests of Denmark and China by a misunderstanding of the purposes of Colonel Raasloff. I am instructed by my government to show him every attention, and to aid him in every friendly office. If I understand it, he merely desires to make a commercial treaty, and I am sure he could not consciously do anything to defeat so good an object. He comes to Peking as the guest of the foreign legations, but not with a view to wound your just rights by any violation of your ancient usages.

ANSON BURLINGAME.

Mr. Burlingame to Mr. Seward.

No. 39.] LEGATION OF THE UNITED STATES,
Peking, May 18, 1863.

SIR: I have the honor to inform you that Lu, the governor of Kiangsee, refused to receive a letter from George F. Seward, esq., our consul at Shanghai, for the reason that he (Seward) was not of equal rank.

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* I find that I have not the despatch translated, but will send it by the next mail. It made objection to Colonel Raasloff, because he did not come to Peking in the usual form.

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The superintendent of trade, Seik, is by position above the rank of consul, and below that of minister, and when he chooses, may refuse to correspond with either. The French, Prussian, Spanish, and Belgian governments have conferred upon their consuls the title of consuls general, to meet these and other difficulties.

The English government is about to do the same. I would suggest that it would be wise to confer the same rank upon our most worthy consul, Mr. Seward. This it appears may be done, according to the 3d section of the article of Congress, approved August 18, 1856, where it is provided that if the President "shall think the public interests will be subserved by appointing to any such port or place a consul general, instead of a consul or commercial agent, an appointment shall be made accordingly."

The reasons for doing it, in this case, are so obvious that I am sure nothing more is necessary than to call the attention of the President to them, to secure early and favorable action.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Burlingame to Mr. Seward.

No. 41.] LEGATION OF THE UNITED STATES,
Peking, June 11, 1863.

SIR: Perceiving in the English papers by the last mail that numerous steamers now building in England were said to be for the Emperor of China, I felt it to be my duty at once to inquire of Prince Kung what truth there was in these statements.

He informed me that eight steamers, most of them very small, had been purchased; that these constituted what is called the Osburn Flotilla, and were all that had been, or would be, contracted for.

These, he said, all left England some time since, and were now expected in China.

He could not give me their names, but I will ascertain them, and acquaint you by the next mail.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Burlingame to Mr. Seward.

No. 42.] LEGATION OF THE UNITED STATES,
Peking, June 20, 1863.

SIR: In despatch No. 18, of June 2, 1862, I had the honor to write, "if the treaty powers could agree among themselves to the neutrality of China, and together secure order in the treaty ports, and give their moral support to that party in China, in favor of order, the interests of humanity would be subserved."

Upon my arrival at Peking, I at once elaborated my views, and found, upon comparing them with those held by the representatives of England and Russia, that they were in accord with theirs. After mature deliberation, we determined to consult and co-operate upon all questions. The first practical question arose

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when the regulations for trade on the Yangtzekiang were to be considered; to these we agreed.

The 2d in relation to General Burgevine, (of which I shall write in a separate despatch.)

The 3d had reference to the doctrine of concessions in the treaty ports; the 4th relates to municipal regulations for Shanghai; of the 3d and 4th I have already written. The 5th to demand of the French government in Kweichan.

Since our agreement thus to act together, the French minister, Mr. Berthemy, has arrived, and enters most heartily into the policy of co-operation.

Preliminary to entering into thorough co-operation, I held it to be my duty to ascertain the ulterior purposes of the treaty powers, having, by position and trade, a leading place in China.

I found Mr. Balluzeck, the Russian minister, prompt to answer, in the spirit of the Russian treaty, that his government did not desire to menace, at any time, the territorial integrity of China, but, on the contrary, wished to bring it more and more into the family of nations, subject, in its relation with foreign powers, to the obligations of international law. That he was but too happy to co-operate in a policy that would engraft western upon eastern civilization, without a disruption of the Chinese Empire.

With Sir Frederick Bruce, the British minister, my conversations were elaborate and exhaustive.

I said to him, frankly, that we represented the first trading powers here, and that our interests were identical, and I was ready, not only from individual desire, but because of the wishes of my government, to co-operate with him.

He met me in a large and generous spirit, and said that he had ever desired to co-operate with the other treaty powers, and pointed out in his despatches to his government the evidences of such desires, and expressed his delight that the representative of the United States should hold views so co-incident with his own. I said to him, that while I paid full homage to the energy of his government in opening China, and for affording protection to the citizens of the United States, still I felt, looking to British antecedents, a little distrust about the future; that our trade by the way of California was increasing, and I felt anxious about its future condition.

I illustrated my views of distrust by reference to the controlling influence of the British in the custom-house, and in the pretensions set up by his countrymen in the treaty ports in favor of territorial concessions.

He agreed with me that the sensitiveness was natural, and replied that he would be pleased to remove every ground for it. He said that circumstances, more than design, had given the English the seeming control of affairs at the treaty ports; that, in the first place, the English trade was very large; and besides, from long connexion with the East, many of his countrymen had acquired knowledge of the Chinese language, and when persons were wanted it was natural that those most qualified in that respect should be selected. He pointed out that long ago he had recommended that the custom-house should be put upon a cosmopolitan footing, and that Mr. Lay, who was at the head of it, had endeavored to carry out his views. I must admit that in this he was right.

I was applied to by the Chinese, through their employé, Mr. Hart, then at the head of the customs, for Americans to fill places, but I could not find any who had studied Chinese.

One of the first places in the Chinese service was tendered to our consul, Mr. Seward, but he could not, he thought, with justice to his own government, accept it. If we had had a school for interpreters, our proper influence would have been far greater than it is now. Besides, the English have been compelled to defend the treaty ports without any assistance from us, and we have enjoyed the fruits of that protection. But, in the face of these obvious facts, Sir Fred-

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erick admitted that it was not in the interest of England to hold a position which gave her no special privileges, and subjected her needlessly to the criticisms of the other treaty powers, and therefore he was willing to have any arrangements made by which she would not be put in a false position.

He did not wish, as far as he was concerned, that English officers should lead against the Taipings. He prefers that the Chinese should employ, for purposes of drill and discipline, men from the smaller states of Europe, and that I might rely upon it that he would do all he could to relieve England from the charge of being the "great bully" of the East; to relieve her "from the dilemma of being forced by local clamor to commit acts of violence, which, though in accordance with past usage, and perhaps justified by our (their) former situation, do not fail to jar unpleasantly on the conscience of England and of the civilized world." The force policy was wrong, and he was certain that his government had had enough of wars brought about through hasty action of men in the East not under the sway of large ideas. He was for a change of policy. To show me that he did not wish to have an English officer at the head of the Ward force, he showed me that he himself had urged the appointment of General Burgevine, an American—a fact I did not know when I wrote my despatch No. —, or I should have given him the credit which was his due; and when Governor Li and Tackee conspired to put Burgevine out of the force, (of which I shall write fully,) I must say that the most determined man for his restoration was Sir Frederck, on the broad ground that it was not good policy to have an Englishman at the head of that force. When I raised an objection to the so-called concessions, and presented my argument against them, he fully concurred with me, and scouted the whole doctrine as dangerous; and to stop all pretensions on the part of his people, he wrote those very able letters to his consul at Shanghai which I send in despatch No. —.

In all our conversations he, with great force, urged the adoption of a co-operative policy in China, and, as a representative of the largest trading power here, said that he was willing to lead in a liberal direction. Indeed, so striking were his views, and so in contrast to what had hitherto been the English policy, and so in accordance were they with the policy strongly urged by me before I came to Peking, that I expressed a warm desire that he would present them to his government, that they might become the basis of our future co-operation. He accordingly wrote the powerful despatch marked A, which he communicated to me for my private use, and which, with his permission, I send to you confidentially, with the most positive request that it is not to appear until it is first published in England.

Upon this frank avowal of the policy of England, it would be impossible to refuse co-operation. The Russian minister and myself both concurred in the view that the position of Sir Frederick was just what we desired, and we hailed with delight its avowal. The French minister, Mr. Berthemy, agrees with us. Being a broad and experienced statesman, he at once saw the advantage that would flow from the casting down of all jealousies, and by a co-operation on every material question in China. Indeed he has realized largely the advantages of such action; the French chargé d'affaires, before him, acting upon the old-school policy of antagonizing everybody, thus causing the Chinese to believe that we were divided among ourselves, for one year failed to get justice from the Chinese government, where it was due, in a case in which we were all interested.

The case was briefly this: A French priest with a passport was put to death with circumstances of unusual cruelty, by a high Chinese official in the province of Kweichan. Satisfaction was demanded, but no result obtained.

The moment Mr. Berthemy came he frankly communicated the facts to his colleagues, who made common cause with him, and in a few weeks this question, menacing war under other arrangements, was settled, to the credit of Mr. Berthemy, and in the interests of all the treaty powers.

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The policy upon which we are agreed is briefly this: that while we claim our treaty right to buy and sell, and hire, in the treaty ports, subject, in respect to our rights of property and person, to the jurisdiction of our own governments, we will not ask for, nor take concessions of, territory in the treaty ports, or in any way interfere with the jurisdiction of the Chinese government over its own people, nor ever menace the territorial integrity of the Chinese empire. That we will not take part in the internal struggles in China, beyond what is necessary to maintain our treaty rights. That the latter we will unitedly sustain against all who may violate them. To this end we are now clear in the policy of defending the treaty ports against the Taipings, or rebels; but in such a way as not to make war upon that considerable body of the Chinese people, by following them into the interior of their country. In this connexion, while we feel desirous, from what we know of it, to have the rebellion put down, still we have become to question the policy of lending government officers to lead the Chinese in the field, for fear of complications among ourselves, growing out of the relative number to be employed, &c. That while we wish to give our moral support to the government, at the present time the power in the country, which seems disposed to maintain order and our treaty rights, we should prefer that it would organize its own people, as far as possible, for its own defence, taking only foreigners for instruction in the arts of peace and war, and these, as far as possible, from the smaller treaty powers.

To maintain the revenue laws of the government, to relieve the treaty powers from the burdens attending the suppression of piracy along the coast, the Chinese government has been persuaded to purchase several small war steamers, and to man them temporarily with foreigners. This fleet is coming out under the command of Thervard Osburne, and is manned chiefly by English sailors, with the understanding that it is a temporary arrangement; and that, too, is to become cosmopolitan; and on the idea that we are to co-operate upon all questions in China, no special objection is made to the force by the other treaty powers. I confess that I should be pleased, were it more cosmopolitan now, but it was arranged before I came out, and before the above policy was developed and agreed upon.

While Sir Frederick Bruce shall remain, or while the policy now agreed upon shall be maintained, no harm can come from it.

That the indemnity may be collected and accounted for, and that the Chinese government may have a fund to maintain a national force, organized upon European principles; that the local authorities may be checked in their corrupt practices, and a uniform system for the collection of the revenue maintained, it is agreed on all hands that the present foreign custom-house system is the best as yet devised, and, as it has been administered by Mr. Lay, entitled to our support. Indeed it is alone through such instrumentalities that we can hope to advance in the cause of civilization in China. As Sir Frederick states, there can be nothing more unmeaning than antagonism between the United States and Great Britain in China. I need not attempt to prove the advantages which must flow from co-operation; that we should do so, all must admit. By the favored-nation clause in the treaties, no nation can gain, by any sharp act of diplomacy, any privilege not secured to all.

The circumstances conspire to make this a fortunate movement in which to inaugurate the co-operative policy.

The treaty powers are represented here by men of modern ideas; by men who, in this land, where everything is to be done, do not choose to embarrass each other by sowing distrust in the Chinese mind, but who, with an open policy and common action, deepen each other's confidence and win the respect of the Chinese. That the too sanguine hopes in relation to China of our more advanced civilization may be fully realized by any action we may take, ought not to be expected. The peculiar people we are among must be remembered;

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how hoary is their civilization, and how proud they are, and how ignorant of us they have always been, and how little their knowledge of some of us, has tended to create in their minds a desire for a change. Their government is good in theory, but not now well administered. The people are free to license, and, as in our own country, we find a portion of them in rebellion, because they have felt too little the influence of the central government.

The trouble here now is, that we are dealing with a regency which, in a few years, must hand over its doings to the Emperor and those he may call around him. The regency dare not depart in the smallest particular from the old traditions, and yet these will not do for these times. They are distrustful of us, and are afraid of their censors and distant local authorities. Besides, there is a large anti-foreign party here. There are members of the foreign board who, if left to themselves, would at once place China in perfect international relations with us; but sitting with them are spies, who paralyze them in their action with us, to fall, as they frequently do, far short of their promises. In their weakness they resort to tergiversations to such an extent as to invite menace, and to cause us, in our passionate modes, almost to despair of holding, with dignity, any relations at all with them. Our only hope is in forbearance and perfect union among ourselves; if these are maintained, and our government sustains us in the policy we have adopted, I cannot but be hopeful of the future, and feel that a great step has been taken in the right direction in China.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Burlingame to Mr. Seward.

No. 43.] LEGATION OF THE UNITED STATES,
Peking, June 21, 1863.

SIR: I have the honor to submit the correspondence between Colonel Balluzeck, the Russian minister, and myself, on the eve of his departure for St. Petersburgh. The cordiality of the relations it discloses will, I hope, not be distasteful to the government.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Colonel Balluzeck to Mr. Burlingame.

LEGATION OF RUSSIA IN CHINA,
Peking, June 1, 1863.

MR. MINISTER: I have the honor of announcing to you that his Majesty the Emperor, my august master, having deigned to accord me authority to return to Russia, I leave shortly my post of representative of his Majesty in China, and that Mr. de Glinka, secretary of this legation, remains chargé d'affaires of the Emperor at Peking until the arrival of my successor.

Permit me to express here the hope that your excellency will continue to accord to Mr. Glinka the same warm regard that I have constantly received from you, and to manifest the wish that you may be well persuaded that the remem-

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brance of the amicable relations which have not ceased to exist between us will always be precious to me.

I desire earnestly that our personal connexions, in losing their official character, may not be entirely broken; and it is in this thought that I renew, Mr. Minister, the expression of the very high consideration with which I have the honor to be, of your excellency, the very humble and very obedient servant,

L. D. BALLUZECK.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Burlingame to Mr. Balluzeck.

LEGATION OF THE UNITED STATES,
Peking, June 2, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch of June 1, informing me that you are about to take your departure from your diplomatic post, and that Mr. de Glinka will, as chargé d'affaires, remain as your successor. I assure you, my dear colleague, that I learn of your departure with regret.

Deeply moved by the struggle for liberty in my own country, it was natural, when I came here, that I should eagerly seek for companionship the representative of that power which has, by its sincere and persistent friendship, entitled itself to the first gratitude of every American. I found what I expected in the representative of the Russian empire, and more. I found a man deeply appreciative of the cause of our struggle, and with strong desire for its removal.

With rare capacity you traced the sympathy of our great nations to the fact that, at the same time, in different ways, they are moving for the freedom of our fellow-men. My elder in this difficult diplomatic field, I have ever found you a safe adviser; I cannot recall one question upon which we have differed. It has been our good fortune, largely through your influence, to witness a union of the treaty powers in the interest of civilization in the East.

In the presence of an open and fair policy, these powers have disavowed any purpose of seeking special privileges, and have united in a policy which secures the territorial integrity of the Chinese empire. Of our personal relations I need not write. They have been unusually intimate, and to me most gratifying; and I reciprocate most warmly the hope you express, that our personal may not end with our official relations.

I have, &c.,

ANSON BURLINGAME.

His Excellency Colonel L. DE BALLUZZECK.

Mr. Burlingame to Mr. Seward.

No. 44.] LEGATION OF THE UNITED STATES,
Peking, June 23, 1863.

SIR: You are aware from my previous despatches that when General Ward was killed, General Burgevine, the next in command of the force, was, through the efforts of Vice-Admiral Sir James Hope, Sir Frederick Bruce, the British minister, as I now learn, and myself, put in his place. The pecuniary affairs of the force under Ward were not in first-rate condition, from the fact that he left them entirely to the hands of the local Chinese officials.

When General Burgevine took the command he undertook to reform its

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affairs. This conduct on his part at once raised the indignation of the corrupt Chinese officials who had been making money out of the Chinese government in the name of the Ward force, and they formed a conspiracy to put him out. He was nominally under the military direction of Governor Li, who ordered him, without preparation, to attack Nanking; this he could not do, as the authorities would not aid with supplies. At last, the men of the force, without pay, became mutinous, and threatened their Chinese leaders with death. Burgevine kept them together. Takee, whose business it was to supply money, failed to do it; but, under the fear of the force, promised General Burgevine that if he would come to Shanghai he should have the money to pay the force. The money was there delivered to the general, and he paid the troops with it; but after it was delivered, Takee, who is thought to be anything but honest, intending to have a rupture with Burgevine, insulted him in the most gross manner, to such a degree that Burgevine, though a mild man, lost control of himself and struck him. This was all Takee wished. Burgevine was instantly denounced as a robber of public money, a reward of 50,000 taels was offered for his head, and every conceivable charge made against him; and though the force wished to defend him against these men, he would not permit it, but appealed at once to Peking. Before I learned these facts, I received from Prince Kung a despatch, marked A, in which all manner of charges are made against General Burgevine. In a short time I received General Burgevine's statement, with evidence to sustain it, covering forty or fifty pages. I at once had it translated and sent to the Prince, with a letter, marked B, in which I did not claim any right to have General Burgevine restored to the command, or to interfere in their affairs, but expressed the hope that, when he should examine the facts, he would not permit one who had so long, and, I believed, honestly served the Chinese government, to be lost to it; that I was sorry he did not wait, before publishing his despatch, to hear Burgevine's story, &c. As to the claim he made to try General Burgevine by Chinese law, I utterly denied his right to do so, and informed him that no citizen of the United States could be tried but by the consuls of his country, and according to the laws of the United States. General Burgevine came to Peking. After a great many conferences with the members of the government, and a great many explanations, the government was convinced that the general had been wronged, and undertook to restore him to the command.

My colleagues became as much interested in his case as I was, and unitedly sustained him.

Sir Frederick Bruce wrote, after a full examination of the evidence, the letter marked C, which disproves the charges which had been brought against him. In my interview I learned that all power in the south along the Yangtsze had been given to Changkwokfau, and that Governor Li, an able Chinese, was a creature of his, and the sum to do was to restore Burgevine without offending these local authorities. It was then understood that what had been said on both sides should go for nothing, and that I should write a request that Burgevine should be restored, and if restored, that he would try to make things go smoothly; that they would reply in a letter, which would "save the faces," as they called it, of the local authorities, and that they would send an officer with General Burgevine to explain privately to Governor Li why the general should be restored. I wrote the letter marked D, and they responded in the letter marked E. General Burgevine proceeded to Shanghai, accompanied by an officer, but upon his arrival it was found impossible to secure his restoration; and the government, to conceal their weakness with their local authorities, tried to cover their failure by pretending that they had new charges, which they made in the despatch marked F. When they found that I would not permit such charges to go unchallenged, and that I required proof of them, they then

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changed again, and in private admitted that they knew Burgevine was innocent, but that they were afraid to do him justice because of the local authorities. I then said if the local authorities were stronger than they were, then I must see them. I only desired to know where the government of China was. They then said if General Burgevine would go to Shanghai and relieve his character from the charges in relation to accounts, they would fulfil their promise. I consented to this. They changed again, and said a witness had arrived who would meet Burgevine face to face, and that he need not go to Shanghai. I assented to this; but before the day of meeting they refused to permit General Burgevine to meet the witness.

I found that the witness was Seih, late superintendent of trade at Shanghai, and that he pretended to have new charges. I objected to his proceeding with them in the absence of General Burgevine, and stated that if he did I would not remain He did not proceed. I then found that through their desire to please me, and their fear of Changkwokfau and Governor Li, they had gotten themselves into a most embarrassing position. I then said to them, as we had discussed the question for weeks, and as I had disproved the charges again and again, that I must insist upon a final interview; that I had no right to require that they should employ Burgevine—indeed that he now utterly refused to be employed by them; but that, as an American citizen's reputation was dearer to him than life, it was my right and my duty to see to it, that the charges which had been disproved to the satisfaction not only of myself, but of all my colleagues, should be withdrawn.

It was agreed at a final interview, that if I would disclaim the right to have him employed, and state the charges which had been made against him, they should be withdrawn. I addressed to him the letter marked G, to which I received in reply the letter marked H; which, so far from withdrawing the charges, reiterated a portion of them, and made the singular statement that if he were innocent they would not hurt him, &c. I then felt that it was necessary to end the subject by sending a kind of *ultimatum*, which I did in letter marked I, in which I stated that I did not wish to discuss the subject any further, but that if they did not withdraw the charges stated in a former despatch within two days, I should take it for granted that the Chinese government refused to do justice, and should take such action as the case required. In the afternoon of the second day I received the letter marked J, in which the charges are all withdrawn. To this I replied, expressing my satisfaction, in a letter marked K. Thus ended this most protracted affair. I do not send you all the papers, for they would make a volume, but content myself with this brief history of the case, and with sending only such despatches as illustrate it.

The result is, my relations are better than ever with the Chinese, and the whole subject of employing foreigners has been considered by the legations at Peking, and the conclusion arrived at, that we do not think it wise to encourage our people in putting themselves in positions where they may be subject to the grossest injustice from the Chinese, and become the cause of dangerous complications among ourselves.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

A.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary for foreign affairs, communicates the following:

On the 4th of this moon (January 22, 1863,) a communication was received from Li, the governor of Kiang Su, in which he states the following:

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Some time ago I ordered the "Ever-Conquering Legion" (Ward's men) to join the imperial army, and, in conjunction with it, be ready for an attack on Nanking. Burgevine had gone to Ningpo to bring his troops, but, unaccountably, did not make his appearance. In the mean time I was informed by Wu, the Taoutai of Susung, (the Taoutai residing in Shanghai,) that on the 29th of the 10th moon (December 20, 1863,) he, the Taoutai, had brought up some steamers to Chinkiang, intending to wait there until all the troops should be got together, and then start at once to attack Kiowfuchow. At that time Burgevine had already returned from Ningpo to Shanghai, but still refused to obey orders to join the imperial troops, alleging that he was not well. I then ordered the Taoutai Wu, and officer Yangfung, to come up at once to Chinkiang with the rest of the steamers. Soon afterwards I received a communication from Fangchwanshu, the prefect of Sungkiang, in which he states the following: On the 14th of the 11th moon, (January 3, 1863,) Burgevine arrived at Sungkiang, and shut the gates of the city. The prefect found out the reason why Burgevine did so was because he had not received the pay due his troops, and that he intended, therefore, to pillage the city. The prefect having remonstrated with him, and promised that he would get at once the pay due his troops, he returned to Shanghai.

It turned out, in fact, that his troops had received their pay up to the 9th moon. Moreover, the officer Yangfung promised to let him have the rest of the pay immediately on his starting for Nanking.

Burgevine flatly refused to do any such thing, and also said he would throw up his commission. Yangfung began to reason with him; but he left him in a passion. He then went to Sungkiang, and brought back with him some of his armed men, with whom he entered the dwelling of the said Yangfung at Shanghai; made a violent assault on the latter, striking him on the forehead, nose, and chest, causing him thereby to expectorate blood without ceasing; and finally seized with force upon treasure found in Yangfung's house, amounting to more than $40,000, which money was designed to be paid to the troops. All these facts I have been apprised of by the above-mentioned prefect of Sungkiang, who also petitioned me that I would arrest Burgevine, to punish him according to the law. Moreover, I am informed that Taoutai Wu and officer Yangfung requested General Stavely to remonstrate with Burgevine on his conduct, and that the general and Consul Medhurst told them that they did inform Burgevine that he must at once resign his command, and wait until his case should be decided by the Chinese authorities. Now, it appears to me that Burgevine being in the Chinese service, and having also obtained an official rank (3d degree) from the Chinese government, and hence became a Chinese subject, having now offended against law, he ought of course to be dealt with according to the law of China. Thus far the statement of Governor Li. Prince Kung finds that Burgevine had originally a command in the "Ever-Conquering Legion," under the authority of Ward. As to Ward himself, it is well known how generously the Chinese government rewarded him for his exertions and merits. He was raised to the rank of general; and when he died of the wounds received in battle, the governor of Kiang Su at once informed his imperial Majesty of it. His Majesty graciously conferred upon him great honors, (posthumous,) and in an edict eulogized him in a manner highly conducive to his glory, (Ward's.) Now, Burgevine, being already an officer in Ward's army, was, on the death of the latter, put in command over the troops. He has already been raised to the third degree. This being the case, he ought, of course, to treat others in the manner he has been treated, be ready to act whenever his services are required, and be obedient to orders. But instead of all this, he first refused to obey the order given him to proceed to Nanking; then made an outrageous attack on a fourth-rank officer, and finally seized with force

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upon $40,000. The Prince is of the opinion that Burgevine, being now a Chinese subject, and having offended against the law of this country, certainly ought to be arrested and punished in accordance with the law of China. If this shall not be the case, then there could be no impartial application of the law, both of foreign countries and of this government. He has therefore already transmitted an order to the governor of Kiang Su, Lieh, to manage in one way or another to have Burgevine arrested, and then proceed with him according to law. The Prince communicates this to your excellency, and begs that you would instruct the American consul in Shanghai to lend his aid in the arrest of the said Burgevine, so that he might be brought under punishment.

A communication to his excellency the honorable Anson Burlingame, minister plenipotentiary and envoy extraordinary of the United States of America to China.

The 7th of the 12th moon, in the first year of the reign of Tungchi, (January 25, 1863.)

B.

Mr. Burlingame to Prince Kung.

SIR: I have the honor to state, in reference to the communication of your Imperial Highness of the 7th of the 12th moon, that I have just received by mail the facts in relation to Burgevine, as stated by many witnesses at Shanghai; and that your Highness may have them, I send herewith a full translation of them, and beg to say that I find a variance from the statement made to you by Governor Li; and so great is that variance, that I regret that your Highness did not, before sending to arrest Burgevine, wait to hear from him. Surely the man who had built up Ward's force by his organizing ability, who had fought in all the battles with that force with success, and who had been many times greviously wounded in the Chinese service, was entitled to less summary treatment. As a friend of the Chinese government, desiring to see the rebellion put down and Ward's force kept together, I recommended Burgevine. As the English had Osburn on the sea, I thought it was fair to keep an American at the head of the "Ever-Conquering Legion" on the land, not to antagonize the English, for we are friends, and have a common interest in your prosperity. Indeed, Sir James Hope was the first to recommend Burgevine; and Mr. Bruce has informed me that he approved of that recommendation. I deeply regret that anything should have occurred to destroy our hopes. Though I disclaim any right to interfere in your affairs, still you will not take it unkindly from a friend if I express the hope that even yet the difficulty with Burgevine may be arranged, and a brave and, I believe, honest officer retained in the Chinese service. By all the testimony, his affair with Takee was his only fault; and but for that fault, the Chinese force would have been dissolved. A short time since, Burgevine seized 12,000 taels' worth of contraband arms from one of my own countrymen for the Chinese government; and when the case was appealed to me, I at once decided that the arms rightly belonged to the Chinese government by confiscation.

Touching the question of punishment, I have looked carefully over the treaty, and find that he cannot be punished except by his own consul, and according to the laws of the United States. If he has committed any offence, he will certainly be punished by the consul. Your Highness must see that the doctrine claimed by Governor Li would drive every foreigner from your service, both in the custom-house and army, and would make it impossible for us to assist each other, as we are now doing.

I have, &c.,

ANSON BURLINGAME.

Prince KUNG, *Chief Secretary for Foreign Affairs.*

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C.

Mr. Bruce to Prince Kung.

PEKING, *April* 2, 1863.

SIR: Some time since your Imperial Highness addressed me a despatch on the steps taken by Chinese authorities at Shanghai with respect to General Burgevine Although it is not my duty to take any part in the discussion, as that officer is not English, still the great interest I take in the defence of Shanghai and in the pacification of the country, and a desire to afford to your Imperial Highness reliable information, led me to inquire minutely into the facts. I have now the honor to state the conclusion at which I have arrived, on evidence that is complete and satisfactory. Putting aside the circumstances and details, which do not seriously affect the case, the charges of importance against General Burgevine are reduced to two: 1st. That, in spite of his orders, he did not really undertake the expedition to Nanking. 2d. That he forcibly carried off money from Takee, and violently assaulted him.

On the first head I have to state that I have the evidence of Captain Holland to prove that the Chinese authorities were in error in thinking that General Burgevine was hanging back.

The English military and naval officers had objected to the expedition, on the ground that Burgevine's troops were not strong enough to attack the place with hopes of success. But Burgevine's opinion was different; and they had yielded to his representations, and were furnishing him with the necessary military stores, when the unfortunate misunderstanding took place which stopped the expedition, with its hope of success. Unfortunately the Chinese authorities are not acquainted with the wants of troops that have to move with artillery and stores; and no doubt they thought there was waste of time, when in fact there was only an unavoidable delay.

On the second point: I have seen the letter from Takee to General Burgevine, informing him that the money was ready for the payment of the troops, and asking him to send men to receive it. I have the evidence of Captain Holland and others that the troops, whose pay was a month in arrear, and who receive no rations, were mutinous, and would have proceeded to acts of violence had Burgevine not pledged his word that the money should be paid. I have the evidence of the witnesses who were present that the money was not taken forcibly, but was paid voluntarily. It was afterward that Takee applied terms of abuse to General Burgevine, so great and disgraceful that the latter lost his temper and struck him. The general regrets that he did so; but the person to blame was Takee, whose conduct, indeed, in the whole transaction, was disgraceful, and who has done great injury to the imperial cause.

In conclusion, I can state that I have formed a high opinion of General Burgevine's qualifications for the post he occupies He is brave, honest, conciliatory in his manner, and is sincerely desirous of serving the Chinese government, as he looks upon this country as his home. His appointment excites no jealousies, such as will probably arise should any other officer be put in his place; and as he must look exclusively to the Chinese government for his reward, your Imperial Highness may depend upon it that you will find in him a sincere disposition to carry out his instructions, as far as, according to his military knowledge, he thinks them practicable and safe.

I am, &c., F. W. A. BRUCE.

D.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, 1863.

SIR: I have examined carefully the evidence in relation to General Burgevine, most of which has been submitted to your Imperial Highness, and have arrived at the conclusion—

1st. That he did all he could to go to Nanking, and was on the point of leaving when the unfortunate difficulty with Takee occurred.

2d. The trouble with Takee sprung from a misunderstanding between the General and Takee, after the money had been delivered.

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Now, as to the first point, it must be admitted that no blame attaches to General Burgevine; and as to the second, he was in fault for striking Takee, for which fault he tenders his regret and makes an apology. General Burgevine has been nearly three years in the Chinese service; he has been wounded seven times; he has never been charged with any fault, and though he has fought in nearly one hundred battles, has never been beaten. Ward's force has been largely organized by him; he has grown up with it, and he knows how to get on with the men; without him there is danger that it will be lost to the imperial government; indeed, it has already suffered disasters when not led by him. I know General Burgevine to be a friend of the Chinese and their government, and that he intends to remain in their service as long as he is permitted to do so with honor. Now, in view of these things, and as a sincere friend of the imperial government, desirous of seeing the rebels put down and order restored; and knowing the friendship of your Imperial Highness for my country, I have to request that General Burgevine shall be restored to the command of the "Ever-Conquering Legion." I fully recognize that the force that General Burgevine is to command is a Chinese force, and subject in its general direction to the authority your Imperial Highness shall indicate. I can inform your Imperial Highness that the English and Russian ministers are equally desirous with myself that General Burgevine shall be restored to his old command, and that they will co-operate with me in lending him and his force such countenance as may not be inconsistent with treaty obligations. I pledge myself that General Burgevine will do all he can to make things go smoothly, and to aid the governor in suppressing the rebellion.

I have, &c.,

ANSON BURLINGAME.

E.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary for foreign affairs, communicates a reply:

On the 18th of the present moon, April 5, I had the honor to receive a communication from your excellency, in which your excellency states that Burgevine's trouble with Takee occurred after the money had been delivered; that no blame can be attached to Burgevine for not going to Nanking, but that he was in fault in striking Takee, for which he also tenders his regret, and is ready to make an apology. Your excellency also requests that Burgevine should be restored to the command of the "Ever-Conquering Legion," which your excellency says is equally the desire of the British and Russian ministers; and, furthermore, your excellency pledges himself that Burgevine will do all he can to make things go smooth, and to aid the governor in suppressing the rebellion.

On a former occasion I had the honor to receive a despatch from your excellency with reference to the same subject, in which your excellency states that it was you who recommended Burgevine, and you express a hope that such a brave and honest officer will be retained in the Chinese service; moreover, that Admiral Hope also recommended Burgevine. I carefully examined these statements and communicated a reply. But, truly, Burgevine having committed an assault upon Takee, if he had been a Chinese, he would long since have been apprehended and severely punished without any allowance being made; but the governor of Kiangsu, taking into consideration the fact of his being a foreigner, and not knowing [Chinese] manners, has, therefore, simply petitioned the imperial government to have him dismissed the service, to have

his case examined into, and decided according to what is right. Furthermore, the Taoutai Wu and Takee, having gone security for Burgevine, were immediately after the occurrence of the difficulty degraded, and a fine of money imposed upon them, to the amount of cost, (through the difficulty.) Now, the individual who had gone security, and been, moreover, the assaulted party, was thus summarily punished; how, then, could Burgevine, who was the author of this whole trouble, be supposed to be let off altogether? And yet, without waiting for the decision of the governor of Kiangsu, he came up to the capital, which conduct of his not only rendered it impossible to decide impartially as to who is right and who wrong, but is also altogether contrary to right principles.

However, since your excellency explicitly states that you fully recognize the force Burgevine is to command as a Chinese force, and subject to its general directions, and since your excellency, moreover, guarantees that Burgevine will do all he can to make things go smooth, and that he desires to apologize; in short, since he repents, and your excellency vouches for him, it looks as if in the future no such acts will be repeated by Burgevine.

However, Governor Li has the command of that department, (Kiangsu;) he is the highest civil and military authority there; he alone exercises the power of punishing or rewarding officers; if, therefore, Burgevine, on returning to Shanghai, should indeed express his regret for what he has done, and promise in all things to obey the governor in the future, and no more commit anything unprincipled, I believe that Governor Li will certainly settle the matter in a special manner. As to restoring Burgevine to his former rank, I beg to state that in China, if any officer, civil or military, happens to be degraded, and if still desirous to serve, must first exert himself to accomplish something extraordinary, then his former delinquency is pardoned and his rank restored to him. Should Burgevine, on being employed again, indeed succeed to annihilate rebels and retake many places, then his rank will be restored to him. If not, then of course the laws of China could not be disregarded in favor of Burgevine, and thereby afford to the military force of the country matter to complain of, and give occasion to others to imitate, a bad example.

A communication to his excellency the honorable A. Burlingame, minister, &c., &c., &c., the 22d day of the 2d moon, in the 2d year of the reign of Tungchi, (April 9, 1863.)

F.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary, &c., &c., makes a communication:

Burgevine, having robbed public money and committed an assault upon an officer, ought, according to law, to have been arrested and punished. Your excellency wrote many despatches with reference to his case. In them you strongly expressed yourself to the effect that Burgevine repented, and that he would certainly reform. You also transmitted a copy of statements made in his favor by the officers of the "Ever-Conquering Legion." Hence, I on my part, seeing that Burgevine was willing to repent, and that your excellency vouched for him in such strong terms, thought that these were not empty words, and therefore afforded him an opportunity to reform, and make amends for his past conduct, and ordered him to return to Shanghai, and wait for the orders of the governor of Kiangsu. But now a despatch has been received from the said governor, in which he states that, since Burgevine committed the outrage, both natives and foreigners have regarded him as a bad man, and were alarmed at hearing that he was returning to Shanghai, and intending to take again the

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command of the force; that since Burgevine returned to Shanghai he, in conjunction with the petty officers who had been dismissed the service, were circulating false reports, to which no stop could be put, thereby increasing the alarm and uneasiness already entertained; that the officers of the whole force presented a petition to him, (the governor,) in which they state that, just when everything was made ready to start on a military expedition, the officers, both native and foreign, hearing that Burgevine was coming back to take command of the force, became suspicious and distressed, showing hesitation and an unwillingness to proceed, all which may prove an impediment to the prosecution of the war; in short, the question whether Burgevine should again be employed or not involves the question whether the public interest should be injured or not; and they (the officers) begged that the affairs should be examined into and settled. Thus far the governor's statement. Now I find that the offence committed by Burgevine is of a very grave character indeed. In China there is no such principle by which men or officers guilty of such an act could escape the punishment provided by law. The reason why I, for a time, made allowance in Burgevine's case, and ordered him to go back to Shanghai, was simply because your excellency so strongly interceded for him, and vouched for his good conduct. But now, according to the statement of the governor of Kiangsu, it appears that both the Chinese and foreign officers (of the force) are not willing to submit (to the arrangement of having Burgevine restored to the command.) And hence it is apparent that the alleged statement of the officers, formerly transmitted by your excellency, are all false and spurious, fraudulently gotten up by Burgevine, hoping that he would be able thereby to ward off the punishment due to him, and be restored to the command of the troops. I have, moreover, heard the reason why he came to this place the first time was, because, whilst in Shanghai, he had handed in fraudulent accounts of debts; the bills, being found to amount to sums greater than was thought he had really spent, were, of course, repudiated by the authorities at Shanghai. Seeing that he was baffled in his schemes, he proceeded to the capital, intending to make false accusations. From this it is manifest that also his insatiable cupidity well harmonizes with the character of a villain. Being deceived by him, your excellency took up his part, and defended him, and vouched for his conduct; but now, seeing that both the native and foreign officers are suspicious (of him,) the case then seems to be that he, misleading you, you misled me. I am now informed that he has arrived at Tientsin without a passport, and intends to come hither again. Freely thus coming and going, just according to his own pleasure, regardless of all law and order, is unprincipled to the very extreme. I have, therefore, instructed his excellency the commissioner of trade at the three ports to arrest Burgevine, and at once deliver him over, that he might be punished according to the law of China. In the case, however, he should pass through Tientsin, and secretly arrive at this capital, I expect that your excellency will hand him over to the foreign office, so that he might be punished in a manner we should think proper. Such individuals as he are greatly injuring the reputation of your country. I therefore suppose that your excellency will no more be indulgent to him.

A communication to his excellency the honorable Anson Burlingame, &c., &c., &c.

The 22d day of the 3d moon, in the 2d year of the reign of Tungchi, (May 9, 1863.)

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G.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, June 1, 1863.

I have the honor to inform your Imperial Highness that I have not claimed, nor shall I at any future time claim, the right to have General Burgevine employed by the Chinese government, while such employment, in my opinion, would be but the full measure of justice due him for his honorable services.

But while I disclaim this right, it is my right and duty to see to it that he shall not be injured by improper charges against his character. The reputation of an American citizen is worth more to him than life. The following charges have been made against General Burgevine: 1st, that he robbed public money; 2d, that he presented a spurious memorial; 3d, that his accounts were false; and 4th, that he improperly disobeyed orders.

As these charges have not been sustained by proof, but, on the contrary, have been found upon investigation to be untrue, I must insist, in the most respectful but positive manner, upon their withdrawal.

I have, &c.,

ANSON BURLINGAME.

PRINCE KUNG, *Chief Secretary for Foreign Affairs.*

H.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary for foreign affairs, makes a communication:

I have the honor to receive your excellency's last despatch with reference to the Burgevine affair. In answer, allow me to state that I find of all the charges brought against Burgevine, the most serious is that of his disobeying orders. And the reason is, because the rebels at Nanking, having heard that the Chinese government had ordered the "Ever-Conquering Legion" to proceed to attack Kewfuchow, they (many troops at the said place, intending to oppose the forces sent against it) having afterwards been informed that Burgevine disregarded orders—that for more than two months he was delaying, and finally refused to proceed—they at once attacked and succeeded to capture Pukow, Kiangpu, Hochow, and Hanshaw, and the result was that some hundreds of thousands of Chinese subjects were miserably destroyed. Now, the troops commanded by Burgevine did cost the Chinese government some millions of taels, and then caused by such a misconduct several hundred thousand Chinese to perish. This is an offence which can by no means be excused. Again, it was Takee who first recommended and went security for Burgevine, and, moreover, supported and assisted him with money for some years. His conduct then towards Burgevine was certainly very generous and liberal. Notwithstanding all this, the latter made a violent assault upon him in his own residence, and inflicted injuries upon his body. This is another offence which cannot be excused. As to the other accusations brought against Burgevine, allow me to express my opinion that, in the case of any charges and accusations brought against an individual, if he be indeed innocent, although not a single word should be spoken toward the clearing of said charges, his innocence must, in the course of time, manifest itself, as a matter of course. This is an established principle. And since your excellency explicitly assures us that you will not compel (the Chinese govern-

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ment) to employ Burgevine again, it follows that, by not discussing these points again, his reputation will by no means suffer any injury.

Your excellency also mentions the fact that Burgevine served the Chinese government for some years, &c., &c. I beg to state with reference to this point, that when Burgevine served the Chinese government, the Chinese government amply rewarded him for his services, and this more than on one occasion. Twice he was promoted by imperial decrees, &c., &c. He did, therefore, long since receive benefits fully adequate to his services. On the whole, there ought to be no distinction made between a Chinese and a foreigner. Allow me to ask a question: suppose a military officer in the service and pay of the United States should disobey the orders of his superior, and cause thereby some failure or disaster, what, according to the laws of foreign countries, would be his punishment? Once more: Burgevine did, really and voluntarily, hand in a petition to be allowed to become a Chinese subject. The paper with his personal signature can, if necessary, be produced as evidence. And since he did thus become a Chinese subject, he ought to have been dealt with according to the laws of China. However, since your excellency did so many times intercede for him, I shall not insist upon this point. I am now waiting for an imperial decree to have Burgevine expunged from among the number of Chinese subjects, and then I expect your excellency will order him to America, and there be dealt with according to the laws of your country.

A communication to his excellency Hon. Anson Burlingame, &c., &c., 25th day of the 4th moon, in the 2d year of the reign of Tungchi, (June 11, 1863.)

I.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, June 15, 1863.

I have the honor to inform your Imperial Highness that your communication in relation to General Burgevine is entirely unsatisfactory. After all that has been said and written, and the promise verbally made to me, and the kindly relations existing between our two nations, it is not what I had a right to expect. But I cannot enter further into discussion of the subject, and wish to inform your Imperial Highness that if the charges stated in my last despatch are not withdrawn within two days, I shall take it for granted that the imperial government refuses to withdraw them, and shall feel at liberty to take such action as the case may require.

I have, &c.,

ANSON BURLINGAME.

PRINCE KUNG, *&c., &c., &c.*

J.

Prince Kung to Mr. Burlingame.

Prince Kung, &c., &c., herewith replies upon business:

On the 16th instant I received your excellency's communication, in which you remark, respecting the case of General Burgevine, "that the whole subject having been fully discussed between us, I now desire that all the several charges made against him by those who have falsely accused him shall be

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entirely withdrawn in a despatch to me," &c., &c. In my former communication I only said that General Burgevine, being in the pay of the imperial government, had seriously interfered with and misled the operations of the army in the attack on Yangfrang; the other (charges) of his having seized the public moneys and robbed the government treasury are entirely cleared, and no longer alleged against him. In the despatch under reply your excellency observes, in regard to the question of employing him further, that you do not wish to press it, and that on this point there need be no dispute between us or dissatisfaction felt. Consequently, I need not discuss this point any more, and, therefore, all the charges made against him are entirely obliterated and withdrawn, and the whole matter is, therefore, finished. It is for this purpose that I reply and submit it to your excellency.

His Excellency ANSON BURLINGAME.

JUNE 18, 1863, (or Tungchi, 2d year, 5th moon, 3d day.)

K.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, June 19, 1863.

I hasten to acknowledge the receipt of your Imperial Highness's despatch of yesterday's date, and to express my satisfaction at the manner in which you have settled the question in dispute between us. It is by acting thus, in a spirit of fairness and justice, that the amicable relations between our two countries are to be strengthened and perpetual peace maintained.

I have, &c.,

ANSON BURLINGAME.

PRINCE KUNG, *Secretary-in-Chief for Foreign Affairs.*

Mr. Burlingame to Mr. Seward.

No. 45.] LEGATION OF THE UNITED STATES,
Peking, June 25, 1863.

SIR: I have the honor to inform you that I received a letter from Mr. Cunningham, asking that a new gate might be opened in the walls of the city of Shanghai, of which the following is an extract:

"You will observe on the plan that there is a piece of open ground running from the French gate to the proposed new gate. This is the nearest unoccupied ground to the river, and instead of being highly useful, by giving room to Chinese engaged in trade, is now a series of green and stagnant ponds, receptacles of filth, and breeding disease. The city has become closely packed with people, particularly that quarter nearest the river. The suburbs, now the French concession, is also peopled densely, and more space is greatly required. Here is a piece of ground, capable of being of the greatest convenience to a multitude, worse than useless—simply breeding disease. Further, the houses in that quarter being of one story and of poor construction, it would be exceedingly feasible to open a street direct to the heart of the city, of twenty-four feet wide, thus opening an avenue for air and health which would be invaluable, while, as already stated, it would give the Chinese authorities a direct and dignified access to the foreign settlement. Indeed, there cannot be a question of its being a great public improvement. No one would gainsay it. There is now but the little east gate to serve for the egress and ingress of the whole mass of the people living in that closely-packed quarter of the city. The crowd is so dense at

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it that one can scarcely move. Being the quarter nearest the river, it is the most important, and consequently most crowded. This new gate would be better placed, even, than the little east gate opposite to it; the space to the river bank is narrowest, and it would immediately become the main thoroughfare out of the city. Added to all these reasons, the occupation of the land and the opening of a handsome street would add materially to the revenue of the city—a reason likely to have much weight just now with the Chinese authorities. The ground, then, upon which I apply is that of health to the foreign settlement, and especially to that particular quarter. There are no means of draining except by a new gate. If Prince Kung can be induced to make the inquiry of the Taoutai, he will certainly have a very favorable answer, for no one can look at the place without being struck with the importance of the proposition.

"Yours, very truly,

"EDW. CUNNINGHAM"

I immediately represented these views to the Chinese authorities, who made reply that they would instruct the local authorities to have, if they thought best, these improvements made, and permitted me to inform Mr. Cunningham of their intentions. I at once addressed to Mr. Cunningham the letter marked A.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

A.

Mr. Burlingame to Mr. Cunningham.

PEKING, *March* 25, 1863.

SIR: I have the honor to inform you that immediately upon the receipt of your humane suggestion, to improve the sanitary condition of Shanghai by the construction of a new gate, and the drainage of stagnant water from before the city, I applied to the authorities at Peking, and requested that they would inquire of the local authorities of Shanghai as to the necessity for these improvements, and, if the Chinese desired, to permit them to be made. I was at once informed that instructions would be sent to the local authorities to have the improvements made, if they thought best. I asked them if I should make known to you these instructions. They said yes. I accordingly inform you of the same, and express the gratification I feel in being able to do something for the health of the people of Shanghai.

I have, &c.,

ANSON BURLINGAME.

EDWARD CUNNINGHAM, Esq.

Mr. Burlingame to Mr. Seward.

No. 46.] LEGATION OF THE UNITED STATES,
Peking, June 26, 1863.

SIR: I am most happy to inform you that the imperial government, in response to my request for an extension of time in which to re-export native produce, from three to twelve months, has most handsomely met my wishes.

This change will do much for the trade of all nations, and puts us under many obligations to the Chinese. You will find the correspondence attached, marked A, B, and C.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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A.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, April 16, 1863.

I have the honor to inform your Imperial Highness that that portion of the Yangtsze-Kiang regulations which requires native produce to be re-exported within three months, if the merchants would recover the coast trade duty charged at the river port, has been found to work a great hardship both to Chinese and foreigners, and I most respectfully request that the time may be extended to twelve months.

If it is not done, the merchants in Shanghai will be compelled to open large establishments in the interior, thus overthrowing the business arrangements of the Chinese, and creating fresh sources of trouble. Now the Chinese hesitate about sending goods to Shanghai for sale, because, if by any chance cause sales are delayed for three months, they will lose the coast trade duty. Indeed, it has been found impossible to sell goods within the three months allowed. Thus this rule is a positive hindrance to commerce, and deprives the imperial government of those revenues it would otherwise receive from a larger sale of produce. The change I ask would not hurt anybody, but would help everybody.

I therefore feel confident that your Imperial Highness will hasten to relieve commerce from the burdens put upon it by that rule.

I have, &c.,

ANSON BURLINGAME.

PRINCE KUNG, *Chief Secretary for Foreign Affairs.*

B.

Prince Kung to Mr. Burlingame.

His Imperial Highness Prince Kung, chief secretary of the Chinese government for foreign affairs, herewith replies:

I have the honor to acknowledge a communication from your excellency, in which you show that the drawback certificates for half duty on goods stored for re-export should not be limited to three months, a period much too short, but ought to be extended to a full year. It appears that the merchants who bring native produce down the Yangtsze-Kiang to Shanghai pay full tariff export duty when it leaves its original port, and half duty when to be re-exported to another port. Such produce being duly reported to the customs, when the merchant wishes to send it out of port, pays half duty; and if it is within three months, he can re-enter it at another port on presentation of the drawback certificate, which is received as valid for the duty.

Now, since that, in the despatch under reply, your excellency observes that the time for three months, allowed in the drawback certificates, during which this produce must be re-exported, must be regarded as much too short, I have extended the limit to a year. Therefore, after this date, whenever produce, brought down the Yangtsy to Shanghai, has been reported to the customs for re-exportation at any time within a year, they shall, on ascertaining that the goods are in their original packages, neither broken open nor abstracted from, and their number and weight correct, and all particulars tally with the original report, grant a drawback certificate for half duty, to be substituted for the for-

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mer certificate, and delivered to the holder of the goods, as evidence of the duty having been paid.

I shall inform the superintendent of commerce respecting this regulation, and instruct him to send orders to the customs officers for them to act accordingly, and I now likewise send this reply to your excellency, requesting that you will inform yourself upon the whole subject.

His Excellency ANSON BURLINGAME, &c., &c., &c.

JUNE 25, 1863.

C.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, June 26, 1863.

SIR: Permit me to thank your Imperial Highness most cordially for extending the time in which to re-export native produce from three months to one year. The change will do much to facilitate trade and to strengthen the friendly relations already existing between our two countries.

I have, &c.,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG,
Chief Secretary of Foreign Affairs.

Mr. Burlingame to Mr. Seward.

No. 47.] LEGATION OF THE UNITED STATES,
Peking, July 2, 1863.

SIR: I have the honor to send you the correspondence between Prince Wittgenstein and myself, in relation to a waiver of the time, now little more than four years, within which, by existing treaty, a Prussian minister cannot reside permanently at Peking.

The Prussians, having at present an increasing commerce in China, are desirous of sending at once a minister to Peking. This would facilitate all negotiations in relation to that commerce, both with the Chinese and the foreign treaty powers. In view of the advantage to flow from a relaxation of the treaty in this respect, my colleagues and myself, by way of friendly suggestion, consented to make a statement of them. To me the members of the government stated that while they were willing, personally, to grant the request of Prince Wittgenstein, still if they did so the anti-foreign party would accuse them of granting more than was required by the letter of the treaty, and they did not wish to complicate themselves with new troubles, but they did not positively refuse to grant the request. Of course I did not press them, for I sympathise with them in their difficulties. In reply to Prince Wittgenstein's question as to whether he had better press them for a distinct declaration on the subject, I advised him to leave the negotiations where they were, so that at some future time the other ministers and myself might present the request under more favorable auspices.

In this view my colleagues concur, and the Prince has decided to leave the question in our hands.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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Prince Wittgenstein to Mr. Burlingame.

PEKING, *June* 30, 1863.

SIR: Allow me, before I proceed to solicit another favor, to express to your excellency my very sincere thanks for the very effectual and friendly efforts you have been pleased to make, at my request, for the purpose of obtaining from the Chinese government a declaration in regard to the permanent establishment of the Prussian legation at Peking. Although I have been for some time quite determined to elicit such a declaration, even at the risk of being an unfavorable one, I must desire, however, before I take a definite step in the matter, to know as exactly as possible the chances on both sides, and I should, under these circumstances, feel extremely obliged to you if you would be so kind as to inform me how the representations you caused Dr. Williams to make to the Chinese government in your name, and on my behalf, have been met, and also whether you have received a memorandum in reply to that which you drew up and had presented to the Chinese government. Of that memorandum I should, at all events, be most happy to possess a copy. Pardon me for thus troubling you once more; but allow me to say that I shall feel sincerely obliged to you for the answer to this communication, with which I trust you will favor me, and for the advice in regard to my future proceedings, with which I beg you will accompany it. If this advice should happen to be absolutely adverse to the definite step which I had, as above mentioned, contemplated, and if you should be of opinion that by taking it I might not only incur a flat refusal, but even endanger the success of new negotiations in regard to this question, possibly to be tried hereafter, I beg your excellency would be good enough not to withhold that opinion from me.

I have the honor to be, &c.,

FREDERICK,
Prince of Wittgenstein.

His Excellency the Hon. ANSON BURLINGAME,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America, Peking.

Mr. Burlingame to Prince Wittgenstein.

LEGATION OF THE UNITED STATES,
Peking, July 1, 1863.

SIR: I have the honor to acknowledge the receipt of your very kind despatch of June 30, in which you desire to know what are the chances of securing a declaration from the Chinese government in favor of a permanent Prussian legation at Peking, and whether I think it advisable to elicit at once a declaration on the subject, even at the risk of its being unfavorable. With regard to the first branch of your inquiry, I have to say that from several interviews with the Chinese, on your behalf, I have learned from them that while, personally, the members of the government would have no objection to waive the time stated in the treaty for the advent of a Prussian minister into Peking, they are so much subject to forms, and fear so much the criticisms of the anti-foreign party, that they shrink from any declaration on the subject.

I think if they were pressed for a declaration now, it would be in the negative; and this brings me to the second branch of your inquiry, as to whether I think such a step as you had intended advisable? I answer most unhesitatingly that I think it would not be advisable. You would thus close the door to that success for which your admirable diplomacy has prepared the way. If

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you leave the question where it is, I feel confident that in a short time the Chinese themselves will concur with my colleagues and myself in the propriety of anticipating the time for the permanent residence of a Prussian minister at Peking.

I have not yet received any answer to the memorandum you mention, but will hasten to inform you if any shall arrive. I will be happy also to place in your hands a copy of it as soon as it can be prepared.

Complimenting you for the manner in which you have thus far conducted your negotiations, and proffering my services for any future efforts you may desire to make,

I have the honor to be, with the highest consideration, sir, your most obedient servant,

ANSON BURLINGAME.

PRINCE FREDERICK,
Sayn de Wittgenstein.

Mr. Burlingame to Mr. Seward.

No. 48.] LEGATION OF THE UNITED STATES,
Peking, July 10, 1863.

SIR: I am happy to inform you that his excellency Colonel Raasloff will to-day, at one o'clock, sign a most favorable treaty, which, after three months of earnest negotiation, he has succeeded in concluding with the Chinese government. It is due Colonel Raasloff to say, that he owes this treaty largely to his personal influence with the foreign legations, which all warmly supported him. It was decided by the Chinese that the treaty recently concluded with the Belgians should be tendered to him on the coast, or at Tientsin, and that he should have nothing more. The colonel, penetrating this design, determined to come at once to Peking.

The treaty is substantially the British treaty, with this advantage for us all—that those changes which have been yielded to our solicitations from time to time, since that treaty was signed, have been placed in this. and are therefore not liable to be changed.

Mr. Wade, of the British legation, acted for the colonel, and was much assisted by Mr. Hart, of the foreign customs, to whom the Chinese left the arrangement of the new clauses.

Article XI mentions sixteen ports as being open, and among them Nanking, Kinkiang-Chinkiang and Hankow, on the river Yangtsze, although the first named city is in the hands of the rebels. For the present the trade is carried on at these ports under river regulations, to which the foreign legations have agreed.

Articles XXVII and XLV contain stipulations for transit dues and the issue of drawback certificates in case of re-exportation of foreign or Chinese merchandise, coastwise or to foreign countries.

Article XLIV declares the coasting trade of China open to foreign nations. No other treaty contains any such stipulation.

In the tariff the clause prohibiting the exportation of beans, peas, and bean cakes from New Chwang and from Pang-chow (Chefoo) is omitted, and foreign nations are thus, by right, to participate in this important branch of the coasting trade.

It will appear from these changes how important the treaty is for us all. I addressed a letter to Mr. Wood, our minister resident at Copenhagen, in which I gave the colonel such credit as I thought was his due; and I now write to you that I am sure, but for his patience, tact, and ability, there would have

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been no success. I hope you will impress upon the representative of Denmark the importance of sending, at once, an agent to look after the interests of Denmark, as well as to strengthen our hands against the lawless of all nations.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Burlingame.

No. 34.] DEPARTMENT OF STATE,
Washington, September 2, 1863.

SIR: Your despatch of the 18th of April (No. 36) has been received and is approved.

I have the pleasure of expressing the satisfaction of the government with the just and liberal conduct of Sir. Frederick Bruce, and the acquiescence of the Russian and French ministers, in regard to the subject of concessions of land in the treaty ports to foreign governments.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Burlingame.

No. 35.] DEPARTMENT OF STATE,
Washington, September 2, 1863.

SIR: I have to acknowledge the reception of your despatch of the 15th of May last, No. 37, which is approved. I hope that the municipal arrangements for the convenience and protection of foreign residents at Shanghai will be harmoniously made, and afford a just and equal security to all parties.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Burlingame.

No. 36.] DEPARTMENT OF STATE,
Washington, September 2, 1863.

SIR: I have received your despatch of the 16th of May last, No. 38, which is approved. From it I learn, with great satisfaction, of the favorable progress of Mr. Raasloff, the chargé d'affaires of Denmark.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., *&c., &c., &c.*

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Mr. Seward to Mr. Burlingame.

No. 38.] DEPARTMENT OF STATE,
Washington, September 4, 1863.

SIR: I have to acknowledge the receipt of your despatch (No. 34) of the 12th of April last, relative to the modification of the 21st article of the treaty of peace, amity, and commerce between the United States and China, of the 18th June, 1858, and to state, in reply, that the Senate of the United States will be consulted on the subject at the approaching session of Congress.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Burlingame.

No. 39.] DEPARTMENT OF STATE,
Washington, September 8, 1863.

SIR: I have to acknowledge the receipt of your despatch (No. 41) of the 11th of June last, and to thank you for the information contained in it regarding the steamers purchased in England for the Emperor of China.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Burlingame.

No. 40.] DEPARTMENT OF STATE,
Washington, September 9, 1863.

SIR: Your despatch of the 20th of June (No. 42) has been submitted to the President. The policy which you have adopted in the conduct of your difficult and responsible mission is able and wise; it is also just towards the Chinese government and people, and liberal towards all other nations. It is an occasion of special felicitation that it meets the concurrence of the enlightened representatives of Great Britain, Russia, and France. One may very reasonably fear that the beneficial policy thus agreed upon would fall into disuse, if those ministers, or any of them, should at any time give place to less intelligent and able statesmen. But this consideration does not deter the President from giving it his entire approval; and he sincerely hopes that a successful trial of it, during the residence of those ministers in China, will render its continuance afterwards a cardinal fact in the policy of all the maritime powers.

You will express to Lord Bruce the great pleasure and satisfaction which I have received from a perusal of the copy of his very able despatch on the subject to Earl Russell.

Your injunctions, in regard to its confidential character, will be strictly observed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., *&c., &c., &c.*

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Mr. Seward to Mr. Burlingame.

No. 41.] DEPARTMENT OF STATE,
Washington, September 12, 1863.

SIR: Your despatch (No. 43) of the 21st of June last, with its accompaniments, has been received, and is approved. The correspondence is very gratifying.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 42.] DEPARTMENT OF STATE,
Washington, September 18, 1863.

SIR: Recurring to your No. 33, of the 29th of January last, I have now to inform you that the autograph letter of the Emperor of China to the President of the United States, to which it refers, has been received by the President with sincere satisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 43.] DEPARTMENT OF STATE,
Washington, September 28, 1863.

SIR: Your despatch of the 23d of June last, with its accompaniments, has been received. Your course and your conclusions therein set forth are entitled to special commendation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 44.] DEPARTMENT OF STATE,
Washington, September 28, 1863.

SIR: Your despatch of the 25th of June last (No. 45) has been received; also your No. 46, of the 26th of the same month. Your proceedings to which they relate are approved. The latter will be published without loss of time.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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Mr. Seward to Mr. Burlingame.

No. 45.] DEPARTMENT OF STATE,
Washington, October 26, 1863.

SIR: I have to acknowledge the receipt of your despatch of the 10th of July last, No. 48, giving a sketch of the success of Colonel Raasloff in his negotiations with the Chinese government. I have perused it with sincere satisfaction. I have also complied with your suggestion in regard to Denmark's sending out promptly an agent to look after her interests, by laying before Count Piper, the Danish representative here, extracts from your despatch.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Burlingame.

No. 46.] DEPARTMENT OF STATE,
Washington, November 13, 1863.

SIR: It affords me sincere gratification to be the medium for communicating to you a copy of a note of the 27th ultimo, addressed to me by Count Piper, the chargé d'affaires of his Majesty the King of Denmark, accredited to this government, expressive of the grateful sense entertained by his Majesty's government of the assistance rendered by you to Colonel Raasloff in his late negotiations with China.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., *&c., &c., &c.*

Count Piper to Mr. Seward.

[Translation.]

DANISH LEGATION,
New York, October 27, 1863.

MR. SECRETARY: The government of his Majesty the King of Denmark having had the satisfaction to be made aware of the particularly kind and efficacious manner in which the minister of the United States at Pekin sustained and seconded Colonel Raasloff in the negotiation of a treaty concluded this summer between Denmark and China, I have just received the order and hasten to become the interpreter to the government of the United States of the sincere gratitude which the Danish government entertains for the powerful aid with which the representative of the United States at Pekin, doubtless with the consent and order of his government, seconded and so largely contributed to the success of Colonel Raasloff's efforts pending those negotiations.

I embrace, with eagerness, this occasion to offer to your excellency the renewed assurances of my highest consideration.

EDW. PIPER.

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SPAIN.

Mr. Koerner to Mr. Seward.

[Extracts.]

No. 2.] LEGATION OF THE UNITED STATES,
Madrid, November 6, 1862.

SIR: In my last despatch, No. 1, I had the honor to inform you of the cause which was delaying my reception. The Queen did not return with the ministers and court before the evening of the 29th of October, from her tour to the southern provinces.

On the 30th of October Mr. Calderon Collantes, minister of foreign affairs, appointed an interview for the next day.

Accompanied by Mr. Perry, our chargé d'affaires, I called upon Mr. Calderon at the appointed hour. After some introductory remarks, he informed me that owing to the fatigue of the Queen, and the fact that to-morrow (November 1) was a great holiday, (All Saints,) and the day after a Sunday, I could not very well be received until the commencement of the next week. He very soon turned the conversation upon American affairs by remarking, with apparently very great satisfaction, that the late news from the United States was very good, alluding to the victories at Corinth, Perryville, &c., the accounts of which are just now circulating in the European papers. He added the observation that the continuance of the war was very much to be regretted; to which I assented, remarking at the same time that it would not terminate before the rebellion was totally suppressed. I took occasion to say that all great nations of Europe had had their trials of civil wars, and often of very prolonged ones. This Mr. Collantes admitted very readily, instancing his own country, which, he said, had been engaged since the commencement of this century in a war, repelling invasion, and in civil wars for nearly fifty years. I remarked that our own war was not carried on for conquest, or even to attest merely our authority, but to save our national existence; that the suppression of the rebellion was a question of life or death. This Mr. Calderon conceded, saying, more than once, that he considered our existence as a nation involved in the struggle.

The conversation then turned on the recent journey of the Queen, which I ventured to pronounce a very decided success, which remark seemed to please him much.

* * * * * * * * *

He alluded in very flattering terms to Mr. Schurz, my predecessor, saying that he had been a very excellent representative of the United States. On taking my leave, he begged me to inform the President that the government had none but the most friendly feelings for him and the United States, for which sentiments I expressed to him my acknowledgment, and assured him that it was duly reciprocated. Mr. Calderon not understanding any English, the conversation was conducted in French.

The day after my first interview with Mr. Calderon Collantes, he sent me a note informing me that the Queen had appointed Tuesday evening, November 4, for an audience of reception.

In the mean time Mr. Perry had informed me that Mr. Calderon had expressed himself very well pleased with the tenor of the remarks which I was to address

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to the Queen, and of which he had been furnished a copy in Spanish, and that the Queen's reply (of which I had desired to see a copy before I was presented) would be very gracious.

* * * * * * *

My reception took place in the palace. The Queen appeared to be very courteous. After her reply, I took occasion to deliver the two congratulatory letters of the President, relating to the birth of the Queen's daughter, and the son of her sister, the Duchess of Montpensier, accompanying the delivery with some remarks. I then presented to the Queen Mr. Daniel C. Payne, our attaché, whose presentation had by some circumstance or another been hitherto delayed. I was immediately afterwards introduced to the King, who appeared very courteous indeed.

After these presentations were over, I attended the general reception of the diplomatic corps, which had expressed a desire to see the Queen, and to congratulate her on her happy return, and the general success of the journey.

On this occasion an opportunity was afforded me to be introduced to most of the members of the diplomatic corps, and also to some distinguished members of the royal household.

In establishing my relations with the court, and also with the diplomatists of foreign nations, Mr. Perry rendered me the most eminent services. His perfect knowledge of the language and the manners of the people here, his extended acquaintance with diplomatic forms, as also the very great esteem in which he is held here by the court, the ministers, the diplomatic corps, and society in general, make him a most valuable officer, whose services could never be dispensed with without great detriment to our country in its relations with this government.

* * * * * *

I have the honor to be, sir, yours, very respectfully,

G KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Copy of Mr. Koerner's speech to the Queen.

MADAM: I have the honor to present to your Majesty the letter of the President of the United States of America, accrediting me as minister plenipotentiary and envoy extraordinary near your Majesty's government. I act but in accordance with explicit instructions from the President, in renewing to your Majesty the expression of the most friendly feelings which the President as well as the people of the United States entertain towards your Majesty and the Spanish nation, and which my predecessor at no very remote period has had the honor to communicate to your Majesty.

Since the time alluded to, nothing has happened, with the knowledge or consent of the United States, to weaken the amicable relations so happily existing between the two governments. The President has, on the contrary, noticed with great satisfaction the loyal and highly honorable bearing of your Majesty's government towards the United States, at a time, and under circumstances, which necessarily present many embarrassing complications.

Feeling myself a lively interest in all that concerns the government and nation of Spain, and sincerely rejoicing at its manifestly great and onward progress, and its rapidly increasing prosperity, it may be proper for me to say that the duty that has devolved upon me to maintain the mutual friendship between the two governments and nations affords me personally very great pleasure.

Permit me to offer my most cordial wishes for the health of your Majesty, and of her royal family, and for the welfare and prosperity of the Spanish nation.

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Queen's speech to Mr. Koerner.

[Translated from the official copy.]

SEÑOR MINISTER: I have heard with the liveliest pleasure the expression of the sentiments of friendship which animate the President and people of the United States with respect to me and the Spanish nation.

It is especially pleasing to me that your government has appreciated the noble and loyal conduct of mine, whose acts have been directed always to maintaining the most perfect good understanding between both; and without fixing our attention on the grave circumstances which have occurred, except only to lament those evils whose termination we desire.

I do not doubt that you will contribute to the preservation of the good relations which exist between the two governments, and you may be sure that you will encounter in mine the best and kindest dispositions towards everything which may conduce to so important a result.

I highly esteem your felicitation for the prosperity which Spain enjoys, and thank you for the good wishes you express for her welfare, and for my happiness and that of my family.

It is a motive of regret for me that the news of two important events on the coast of the island of Cuba should have arrived, to disturb the satisfaction of your felicitation. But the terms in which you have expressed the sentiments of the President of the United States fill me with confidence that he will do whatever the honor and rights of Spain demand, so that the relations which unite the two governments may not be altered because of these events.

Mr. Seward to Mr. Koerner.

No. 12.] DEPARTMENT OF STATE,
Washington, December 1, 1862.

SIR: The despatch of Mr. Perry, written at Marcia on the 26th of October and numbered 89, has been received. The account which it contains of the favor with which her Catholic Majesty and her ministers were welcomed on their recent progress through the kingdom is very interesting and gratifying to the President, who desires nothing in regard to Spain but a continuance of her peace and prosperity.

The attention of European states seems just beginning to be arrested by the fact that they are not merely isolated spectators of this civil war. They are coming to realize that it involves the solution of a problem in which, in one way or another, every European nation is concerned. Beyond a doubt, a change of the political relation of slavery to our own country will have bearings upon the like relation of slavery towards Spain. She has a right to regulate that relation for herself and colonies. Manifestly, therefore, Spain is deeply interested in our being left alone to deal with that question here in the way that shall be most conducive to the safety and welfare of our own country. Any other course would tend inevitably to enlarge this domestic strife into an unnecessary and dangerous international and universal war of opinion concerning African slavery.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

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Mr. Seward to Mr. Koerner.

[Extract.]

No. 16.] DEPARTMENT OF STATE,
Washington, December 8, 1862.

SIR: * * * * * * * * *

In view of the prompt and liberal action of this government in regard to the Blanche, and in all its proceedings in which Spain is interested, you will suggest to Mr. Calderon Collantes that the United States think it not unreasonable to expect that the privilege heretofore allowed by Spain to American vessels-of-war to hold communication with the shore at Havana, but recently revoked, shall be restored. Mr. Calderon Collantes cannot be uninformed that, while the course of the Spanish government during our present unhappy civil war has been wisely loyal, there is at Havana a local sentiment that favors the insurgents and operates continually to their advantage. This government is well aware that this local sentiment is an element which the Spanish government cannot disregard in its administration of the affairs of Cuba. We are therefore the more content to bear with the manifestations of that sentiment, which really adds so little to the advantages of our internal enemies. Nevertheless, it is hoped that hereafter, as heretofore, the Spanish government may find it as safe as it is beneficial to both parties to manifest at Cuba the same spirit of cordiality toward the United States which is so constantly exhibited by that government at home.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., *&c., &c., &c., Madrid.*

Mr. Seward to Mr. Koerner.

No. 20.] DEPARTMENT OF STATE,
Washington, December 18, 1862.

SIR: I send you copies of a correspondence which has recently taken place between Major General Butler and the commander of her Catholic Majesty's ship-of-war Blasco de Garay, and also copies of an unofficial correspondence which has taken place between his excellency Mr. Tassara and this department. All these papers relate to certain proceedings of the commander of the Blasco de Garay at New Orleans.

I send you, as a sequel of this correspondence, an instruction which has this day been given by this government to Major General Butler.

You will seek an early occasion to submit these papers to Mr. Calderon Collantes, and at the same time state to him that this government confidently expects that such instructions shall be given to Spanish ships-of-war as shall prevent them from infringing or treating with disrespect the sovereignty or the authority of the United States while they are remaining in ports or places within the United States which are actually held, as New Orleans now is, in military possession by the forces of this government. It is not the desire of the United States to lift the proceeding of the commander of the Blasco de Garay up to the importance which belongs to a subject of national complaint. The regulations which will now be established will, it is hoped, prevent any future misunderstanding between the authorities of the two countries at New Orleans.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., *&c., &c., &c., Madrid.*

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Mr. Seward to Mr. Koerner.

No. 27.] DEPARTMENT OF STATE,
Washington, January 30, 1863.

SIR: This government has learned from the United States consul at Havana that the piratical steamer Florida, under the command of J. N. Maffitt, which had been lying several months at Mobile, having escaped the United States blockading fleet of that port on the night of the 16th of January instant, and having burned the American brig Estelle, of New York, when off the Tortugas and bound to Boston from Santa Cruz, laden with sugar, honey, and molasses, arrived on the 20th instant at Havana at eight o'clock in the evening. That the cargo of the Estelle was shipped at Manzanilla, in the island of Cuba, by Venecia Rodriquez and company, who are Spanish subjects, and that the cargo was Spanish property. That notwithstanding the pirate had committed this depredation and destruction of Spanish as well as of American property on the high seas, she was unhesitatingly admitted into the port of Havana and allowed to land there as prisoners, under pretended parole, the crew of the Estelle, who are citizens of the United States. That the United States consul, immediately upon the happening of these occurrences, addressed a communication to his excellency the governor-general of Cuba, informing him thereof, and requesting that the crew of the Estelle should be unconditionally released, and further requesting that directions might be given by the governor-general that when the Florida should sail from Havana, she should be forbidden from capturing American vessels which might have sailed within twenty-four hours previously to her departure. That the consul-general of the United States in the same communication informed his excellency the governor-general that the United States despatch steamer W. B. Reaney, belonging to the government of the United States, had actually sailed from that port at 11 o'clock in the forenoon of the 21st of January, and requested the said governor-general to direct that the usual twenty-four hours might be granted to her before the Florida should be permitted to leave the port of Havana.

This government is further informed by the United States consul-general that the pirate Florida was permitted to depart, and did depart from Havana, at six o'clock on the morning of the 22d of January, within a period less than twenty-four hours after the United States steamer Reaney had sailed from the port.

This government is further informed that the Florida, on arriving at Havana, at eight o'clock in the evening, was allowed by the authorities at that place to proceed directly to her anchorage, notwithstanding the lateness of the hour, and that, on the contrary, when the United States ship-of-war the Wachusett arrived at the same port on the 22d of the same month, at 6½ o'clock in the afternoon, she was not permitted to pass the guard-ship of the port on account of the lateness of the hour, and thereby her commander was prevented from landing, and from obtaining the information which he needed in regard to the proceedings or the direction of the piratical vessel.

This government is further informed by the United States consul-general that his excellency the governor-general of Cuba, on the 21st day of January, replied in writing to the before-mentioned communication of the consul-general of the United States as follows: "Being informed of the contents of your communication of this date, referring to the entrance into this port of the confederate steamer-of-war Florida, and besides the other matters which you state, I have the honor to reply that the proper dispositions have been made in order that international rights may be duly complied with."

This government is further informed that on the 23d of January the despatch-boat Reaney, having returned from Key West to Havana, bringing a request from the United States Rear-Admiral Bailey that the said consul-general would

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give all the information in his power concerning the Florida to the commander of the United States steamer Oneida, the Oneida appeared off the port at noon of that day. At one o'clock in the afternoon, the Reaney, having her mails on board, started for Key West with directions from Rear-Admiral Wilkes, of the Wachusett, to the captain of the Reaney, to deliver to the Oneida an order to enter the Havana. The Reaney met the Oneida about two and a half miles from the mouth of the harbor, communicated the order and proceeded on her voyage. When about six or eight miles from Havana she was brought to peremptorily by a Spanish steam war frigate, which, in order to do so, fired as many as three shots at the Reaney in quick succession, preceded, however, by a blank cartridge, which the captain of the Reaney says he supposed to be the signal for a pilot. A party from the Spanish war steamer then boarded the Reaney, and informed her captain in the Spanish language to the effect, as was understood by the captain of the Reaney, that he must not communicate with another vessel so near the harbor.

This government is obliged to assume that the information which I have thus recited is true, but it holds itself free to receive from the government of her Catholic Majesty any communication in refutation of it that the government may possess and deem it proper to give. In the mean time, assuming the information to be true, you are expected to state to Mr. Calderon Collantes that the President of the United States, being entirely satisfied with the liberal and cordial spirit which has been on so many and even recent occasions expressed and otherwise manifested by the government of Spain, does not allow himself to suppose for a moment that the proceedings of the captain-general and naval authorities at Havana, in the transactions of which it is now my duty to complain, were directed or authorized by or even known to her Catholic Majesty's government, and the President confidently expects that those proceedings, so far as they are in conflict with the law of nations, will receive at the hands of that government due disapprobation and censure.

You will then represent to Mr. Calderon Collantes, first, that the written answer which was given by his excellency the captain-general to the communication of the consul-general of the United States seems, in the absence of any explanation, to have had less of particularity, directness and explicitness, than the government of the United States would have had a right to expect in any reply which that distinguished officer would make to a communication which was proper in itself and was courteously conceived and expressed.

Secondly, you will represent to Mr. Calderon Collantes that, in the absence of any satisfactory explanation, the permitting of the pirate Florida to enter the port of Havana at eight o'clock in the evening of the 20th day of January, and the refusal to allow the United States ship-of-war Wachusett, which arrived there at six o'clock p. m. on the 22d day, to enter the same port, on the ground of the lateness of the hour, is regarded by this government as a wrongful and injurious discrimination against the United States, for which the authorities of Havana ought to be visited with the censure of the Spanish government.

Thirdly, that the firing into, boarding and detention of the United States despatch-vessel Reaney, upon the cause and for the purpose assigned, if the transaction is fully understood, is regarded by the government as an aggression against the dignity and sovereignty of the United States, which it does not doubt the Spanish government will disapprove.

And finally, you will inform Mr. Calderon Collantes that the President confidently expects that, to the extent that the representations which you are thus instructed to submit to him are sustained by the facts as they may be ascertained, and the construction which this government has put upon them shall be justified, such instructions will be given to the municipal and naval authorities of Cuba as will be calculated to prevent the recurrence of proceedings which

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are so inconsistent with the good relations happily existing between the two countries, and with the mutual dispositions of their governments.

It will be expected that you present this subject in a manner which shall be at once respectful and courteous, and shall evince that the confidence in the justice of the Spanish government which I have expressed is sincerely felt. With that view you will seek an interview with Mr. Calderon Collantes, and make known to him, informally, the nature of the communication with which you are charged, and wait any reasonable time that may be agreeable to him before you formally communicate the despatch to him for his official consideration. If that reasonable time shall expire without your having received any assurances that the Spanish government will otherwise take the subject into its serious consideration, you will read this despatch to him and give him a copy thereof if requested.

A copy of the aforementioned letter of the United States consul-general to his excellency the captain-general of Cuba is appended to this despatch.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., *&c., &c., &c., Madrid.*

[Urgent.]

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
Havana, January 21, 1863.

SIR: As your excellency is no doubt aware, a vessel styling herself the confederate steamer-of-war Florida arrived at this port at eight o'clock last evening. This morning the master of the American brig Estelle, of New York, reported to me that his vessel had been captured and burned on the 19th instant, by order of the commander of the steamer above alluded to. He further stated that the cargo of his brig was sugar, honey, and molasses, shipped by the Spanish house of Venecia Rodriguez & Co., of Manzanillo, Cuba, and, to the best of his belief, was *Spanish property*. I deem it my duty to attract the attention of your excellency to this fact, because, while the government of the United States contends that such a wanton destruction of property by a vessel-of-war having no ports in which to order her prizes is an act which alone ought to deprive her of international privileges, yet, as this has not been so regarded by foreign governments, at any rate it becomes to them a matter of question when the property destroyed belongs to a neutral. In this case I have every reason to believe that the cargo of the brig Estelle was the property of Spanish subjects. The master of the Estelle also informed me that himself and his crew had been brought to this port as prisoners, but sent on shore under parole, the commander of the Florida informed him that the necessary documents should be issued to them here. I submit to your excellency that these men are still *prisoners*, and suggest that they either be unconditionally released, or that the Florida be subjected to article 3d of the royal proclamation of her Catholic Majesty of June 17, 1861, as was ruled by your excellency's government when that vessel was in the port of Cardenas in August last.

May I request of your excellency, in view of the many American vessels sailing daily out of this and other ports of Cuba, that when the Florida sails from this port she may be required to abstain from capturing American vessels which may have sailed from Havana twenty-four hours previous to her departure. And I further have the honor to advise your excellency that the steamer W. B Reaney, belonging to the government of the United States, sailed from here to-day at eleven a. m., and to request that the usual twenty-four hours may be granted to her before the Florida is permitted to leave the port of Havana.

I have the honor to be, with considerations of great respect, your excellency's obedient servant,

R. W. SHUFELDT,
Consul-General.

His Excellency the GOVERNOR,
Captain-General of Cuba &c., &c., &c.

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Mr. Seward to Mr. Koerner.

[Extract.]

No. 32.] DEPARTMENT OF STATE,
Washington, February 28, 1863.

SIR: Your despatch of January 31 (No. 22) has been received. In view of Mr. Tassara's explanations, I sincerely trust that such care will be taken as will prevent hereafter any proceedings similar to that which occurred at New Orleans in the case of the Blasco de Garay. I am glad to learn that the order forbidding our ships-of-war to communicate with the port of Havana without entering the port will be rescinded. It will be impossible for this government to concede to another nation hospitalities which are not reciprocated.

* * * * * * * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., *&c., &c., &c., Madrid.*

Mr. Koerner to Mr. Seward.

[Extracts.]

No. 26.] LEGATION OF THE UNITED STATES,
Madrid, March 1, 1863.

SIR: On Monday last (23d February) I had an interview with General Serrano, and communicated to him, in substance, the contents of your despatch No. 27. He told me that, with the exception of the "Reaney" affair, he was wholly ignorant of the other occurrences, of which I had spoken, but would immediately write to the authorities of Cuba for information. He said, in very emphatic language, that if any discrimination had been made in admitting into port confederate vessels and those of the navy of the United States, it was very wrong and censurable. He condemned also, in very strong language, the giving of permission to the Florida to leave port within twenty-four hours of the departure of American vessels, and also the detention of the captured crew of the Estelle as prisoners, after their landing at Havana.

In regard to the firing into and detaining the W. B. Reaney, by the Spanish frigate Princessa de Asturias, he was not very explicit. He thought that the captain of the frigate had no intention whatever to offer any insult to our flag. He had merely desired to speak the W. B. Reaney to inquire why she had communicated with the Oneida; that the W. B. Reaney did not mind the signal, and so the captain of the Princessa de Asturias fired some shots, taking good care that they should not hit the boat.

The general accompanied his remarks with many assurances of the desire of the government of her Catholic Majesty to observe the strictest neutrality, and of its disposition to sustain, loyally and cheerfully, the good relations between the two governments.

I remarked to General Serrano, that I was not at the present time prepared to enter into any discussion upon the points presented by me, nor was I instructed to demand at this time any specified satisfaction and reparation. My object was merely to present to her Majesty's government the facts about which my government had brought complaint, giving time to his government to inform itself of the nature of the events in question, and to refute or modify them if such could be done.

I trusted, I said, that in case the facts should turn out to have been as repre-

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sented, the government of her Catholic Majesty, in pursuance of the just and loyal course heretofore observed towards the United States, and which had been fully recognized and appreciated, would, of its own accord, offer such redress as was required by the nature of the very serious injuries inflicted upon the government of the United States. I would, consequently, wait for some time for a reply from her Majesty's government, looking upon this conversation as rather an informal one, merely intended to place the government in possession of the facts as we understand them, leaving the matter to the further action of her Majesty's government.

General Serrano said he preferred that I should send him a written statement of the matter of complaint, so that he could respond in writing, to which I agreed. In fact, I would have in the first instance read him your despatch, had not your instructions requested me to make first a mere verbal statement.

On Wednesday last, the 25th of February, I transmitted a note to General Serrano, of which I send you no copy at this time, inasmuch as it embraces substantially your despatch, and in many instances uses its very language. I took occasion, however, to remark to him, that inasmuch as he had received the version of the Spanish authorities as regards the Reaney affair, I expected him to offer explanations on that subject at once, not waiting for the ascertainment of the truth concerning the other occurrences which I had brought to his notice.

It will be some time, perhaps, before I shall receive an answer to this note. On Thursday evening, the O'Donnel ministry again tendered its resignation, and it was accepted by the Queen. It had become evident to the ministry that its influence was fast wasting away. Resignations from high officers succeeded one another, particularly in the navy, where more than a dozen generals and brigadiers of the armada (admirals and commodores, as we would call them,) resigned at once, on the plea that the new minister of the navy, Ulloa, was a civilian, and not competent for the place. * * * *

I have the honor to be your most obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington City.

Mr. Seward to Mr. Koerner.

No. 37.] DEPARTMENT OF STATE,
Washington, March 21, 1863.

SIR: I have received your despatch No. 25, dated the 22d ultimo, which is accompanied by a copy of a note addressed to you by her Catholic Majesty's minister of foreign affairs, relative to the recent order of the captain-general of Cuba forbidding vessels-of-war of the United States to communicate with the city of Havana. From the terms of this note you infer that the order in question will not be rescinded.

It certainly seems strange that the exact nature of the proceeding on the part of the captain-general of Cuba should not be known by her Majesty's government. The President is unwilling, however, to believe that the reply of Mr. Serrano to your note of the 3d of January last was intended to be merely an evasive one, and he still trusts that our complaint will be considered in the same spirit of justice and comity with which complaints on the part of Spain are considered by this government, and that the order of the captain-general will be modified.

You are aware that Mr. Shufeldt, our consul-general at Havana, has been removed, and that Mr. Perry has been appointed in his place. This change has

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been made under the belief that it will be agreeable to her Majesty's government, and so be regarded as a proof of the good-will and friendship of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., *&c., &c., &c., Madrid.*

Mr. Koerner to Mr. Seward.

No. 32.] LEGATION OF THE UNITED STATES,
Madrid, April 4, 1863.

SIR: On the 1st of April I addressed a note to the minister of foreign affairs, of which I enclose a copy, (marked A,) and which will explain itself.

I also sent him, on the same day, another one covering the resolutions of Congress concerning foreign intervention, in which I informed him that, having received no answer to my request for a personal interview, made on the 28th of March, for the purpose of reading to him said resolutions, I felt constrained to transmit the same to him, as it was desirable that a document of such importance should be brought at an early period to the knowledge of her Majesty's government.

An hour or two after I had sent the notes, I received a communication that the minister would see me on the 7th of April, and also a note dated the 1st of April, in reply to mine directed to the minister's predecessor, General Serrano, (Duke de la Torre,) on the 23d February last, and which treats of the events which lately happened in and near the island of Cuba. I enclose a translation of said note, (marked B.)

You will perceive by its tenor that, with the exception of the complaint as to the discrimination made against us in admitting vessels at unusual hours into the port of Havana, and in regard to which the government here has asked information from the Spanish authorities there, to ascertain the facts, all the other grievances are considered by the Marquis of Miraflores as not well founded.

I have not yet replied to this last note, principally for the reason that on the 2d of April the high church festivities commenced, and that before Tuesday next no secular business is expected to be transacted. Without anticipating the final decision of the President on the question raised by our complaints, and the manner in which they are viewed by the government here, I shall certainly, either by note or verbally, state to the Marquis of Miraflores that I cannot share his belief that the President will be satisfied with the reasoning of the Spanish Department of State, suggesting to him my objections, and preparing him for similar ones, as likely to be expected from the President.

I am, sir, with very great respect, your obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

A.

LEGATION OF THE UNITED STATES.
Madrid, April 1, 1863.

SIR: On the 23d day of February last I had the honor to address a note to General Serrano, your excellency's predecessor, according to his request, on the subject of certain important events which had happened in and near the

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island of Cuba, and on account of which I had been instructed by the President of the United States to make proper representations to her Majesty's government, and to expect explanations which should prove satisfactory to the government of the United States. To this communication, as well as to others of less importance upon divers subjects, I have thus far received no reply.

I am not unmindful of what you remarked to me on the occasion of the two brief interviews which I had the honor to hold with your excellency on the 8th and 22d of March last, respecting the very large amount of business devolving upon you at your recent entrance into office as president of her Majesty's council and first secretary of state, and the consequent delay which naturally would arise in the transaction of business, owing to the circumstances surrounding your excellency.

But your excellency having been pleased, in our last interview, to promise me an answer by note in a few days, and the questions pending being of such a character that my government has certainly expected me to report upon them a long time ago, I feel myself constrained to proceed according to my instructions, and to transmit to your excellency, enclosed, a copy of a despatch from the Secretary of State of the United States of the 30th of January last, relating to the events at and near the island of Cuba, with the urgent request that your excellency take the subjects therein mentioned into serious consideration, and act upon them as promptly as possible.

I beg to repeat here what I have stated in my note to General Serrano, viz: that the question as to the misdeed alleged to have been committed by her Majesty's vessel-of-war the Princess de Asturias, in firing upon and detaining the United States *aviso* W. B. Reaney on the open sea, is one which can be disposed of at once, since her Majesty's government, as I have understood from General Serrano, is in possession of the facts of the case, as reported by the authorities of Spain at the Havana.

I embrace this opportunity of assuring your excellency of my most distinguished consideration.

GUSTAVUS KOERNER.

His Excellency the MARQUIS OF MIRAFLORES,
First Secretary of State of her Catholic Majesty.

B.

[Translation.]

DEPARTMENT OF STATE,
Palace, April 1, 1863.

SIR: Being informed of the confidential note which, on the 23d of February last, your excellency was pleased to direct to my predecessor, the Duke de la Torre, bringing to his knowledge various complaints brought by the honorable Secretary of State of the United States against the authorities of Cuba, and against the commander of her Majesty's cruiser Princesa de Asturias, your excellency will permit me to observe that, in my opinion, among the events to which Mr. Seward refers, the only one that might give occasion for reclamations, if it should prove true, is the giving permission to the confederate vessel Florida to enter the port of Havana, where it arrived at 8 o'clock in the evening of the 20th of January, while it was denied to the federal vessel Wachusett, which arrived at 6½ o'clock p. m. on the 22d, on account of the lateness of the hour.

The government of the Queen my lady, which has undertaken to guard the strictest neutrality in the war through which the United States are now passing, could not tolerate the partiality which the denounced act would indicate on the

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part of the authorities of Cuba; and not believing them capable of deviating from the instructions they have received, asks them, under this date, to give information, in the shortest possible time, of what occurred concerning this subject.

This same neutrality, of which so many proofs have been given, imposes upon the government of her Majesty the obligation to admit the vessels of the south into all Spanish ports; and in nowise has it wanted in faith towards the government of the Union, by permitting the Florida to enter Havana after having destroyed a ship of her enemy. And if the Florida was permitted to sail from that port before the twenty-four hours after the United States despatch steamer Reaney had put to sea had expired, it is because in the nineteen hours that transpired between the departure of both, the latter, which directed its course towards Cayo Hueso, was able to gain a much greater distance than sufficient to escape capture by the Florida; and in this manner the obligation which the law of nations lays upon neutral powers was complied with. Your excellency will easily understand that in that time the Reaney could not only arrive at her destination, but almost to return to Havana.

As far as regards the detention of the Reaney by the Princesa de Asturias, arising in the jurisdictional waters of Cuba, it is justified by the right belonging to every vessel-of-war to detain, and even search, within the limits under the jurisdiction of its country, any merchant vessel, particularly when the latter pays no attention to its signal. And that this detention took place in the waters of Cuba is evident, not only from the declaration of the commander of the Princesa de Asturias, but also from what may be deduced from the fact that the Reaney returned to Havana, notwithstanding that she was carrying the official correspondence.

In respect to the answer given by the captain-general of Cuba to the consul of the United States, the government of her Majesty finds nothing censurable in it, since the terms in which it is held are not less courteous than could be expected from that authority, and its laconic brevity may be attributed to the fact that the consul engaged himself to judge of questions of law, and of dispositions of her Majesty's government which are beyond his power, and into the discussion of which General Dulce was not allowed to enter with him.

I believe that the government of the Union will be satisfied with the explanations I herewith give to your excellency, and that it will be convinced that that of the Queen my lady, which is anxious to preserve the truly friendly relations uniting the two countries, cannot disapprove of the conduct of the authorities of Cuba, which are in every respect in conformity with the requirements of law, and with the royal decree of neutrality, unless it should prove true that the entry into the Havana was refused to the Wachusett after it had been conceded to a confederate vessel under like circumstances, concerning which, as I assure your excellency, information has been requested of the captain-general of that island.

I improve this opportunity to renew to your excellency the assurances of my most distinguished consideration.

EL MARQUES DE MIRAFLORES.

The MINISTER PLENIPOTENTIARY OF THE U. S.

Mr. Koerner to Mr. Seward.

[Extracts.]

No. 35.] LEGATION OF THE UNITED STATES,
Madrid, April 11, 1863.

SIR: On the 7th instant I had an extended interview with the Marquis of Miraflores. He requested me, at the end of it, to reduce my remarks on the

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main subject of our conversation to writing; which I did in a note, of which I have the honor to enclose you a copy.

The minister, who is of an advanced age, and a gentleman of the most bland and polished manners, was full of assurances of kind and friendly feelings towards us—expresses his entire conviction that the matters about which we had complained would be very satisfactorily settled as soon as the facts were once fully ascertained. He made great professions of the strict neutrality which Spain would observe in our contest, as though this was a very great boon to our government.

I told him, in return, that neutrality was really the very least we had a right to expect under the circumstances, and that even that neutrality was not closely regarded, as it appeared to me, by the Cuban authorities, which had certainly shown, on almost every occasion, a somewhat unfriendly spirit to the United States government.

Judging, from some remarks made in the course of our discussion, that the minister (who has been for several years out of office) was not very well informed with the recent history of our country, and the causes of the present rebellion, I made him a short *exposé* of the nature of the questions which had agitated the Union before the southern insurrection, and gave him a history of the political movement in connexion with the Cuban question, as being one of the causes of southern discontent. To my surprise he did not seem to have been aware of the participation of Jeff. Davis, Pierre Soulé, Mr. Slidell, and other leaders of the south, in the scheme of General Pierce and Mr. Buchanan, of wresting Cuba by force, if persuasion failed, from Spain.

He had not even known that Mr. Preston had considered the acquisition of Cuba as almost the sole object of his mission, and that he had been most anxious to have Mr. Slidell's thirty-million bill passed, the money to be used by him to bribe parties here into a cession of Cuba. He appeared to be very much interested in my account, and expressed great satisfaction when I remarked that the statesmen who now controlled the destinies of the United States, and the loyal people, generally, north and south, had ever resisted this aggressive policy, and had in no small degree incurred thereby the displeasure of the south and of the party favorable to the expansion of slave power.

These views, I know, have been heretofore ably pressed upon the consideration of the Spanish government by my immediate predecessors, but the late changes in the cabinet here necessitate, and may again compel, very shortly, a repetition.

Señor Miraflores, in the two last interviews, not having said a word in regard to my question, put to him when I saw him the first time, whether her Majesty's government would object to our mediation in the supposed difficulties between Spain and Peru, I have not mentioned the subject again, thinking that a proper regard to the dignity of our country demanded my silence.

The trouble, if there be any between the two countries, is entirely ignored here by the press; and I have seen notices in the papers that the Spanish squadron has withdrawn from the Pacific.

On day before yesterday the Cortes, suspended in January last, have re-assembled. The president of council (Miraflores) has delivered an address, in which he announces, on the part of the new cabinet, a policy which, while it shall not be reactionary, will be conservative. All parties are invited to support the new administration, while it in return will not demand party tests in its appointments, &c., &c. * * * * * * *

I have the honor to be your most obedient servant,

GUSTAVUS KOERNER.

Hon WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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LEGATION OF THE UNITED STATES, &c., &c.,
April 10, 1863.

SIR: In the interview which took place on the 7th instant, and in which I had the honor to address to your excellency some observations on the note which you directed to me, under the date of 1st of April instant, in reply to my note of the 23d of February, to the Duke de la Torre, you expressed a wish that I should give to my remarks a more permanent form, by embodying them in a note.

In compliance with your desire, I beg to state now, what I remarked to you verbally, that I do not think that my government will be satisfied with the views which the government of her Majesty has taken of the various complaints which were presented in my communication of the 23d of February, and in the despatch of Mr. Seward of the 30th of January, which I had likewise transmitted to your excellency.

Your note of the 1st of April instant, insisting that the admission of the Florida into the port of Havana, although she had destroyed in the open sea a vessel of her enemy, was justified by the strict neutrality observed by Spain between the belligerents, seems to be based, in that part of it, on the supposition that my government had preferred a complaint on account of such admission. This, however, was not the case. While the President and the people of the United States have always deplored the hasty and unfortunate, not to say very unjust, step taken by the maritime powers of Europe, in recognizing, at the very outset of our complications, the southern vessels as belligerents, and to a certain degree as equals to a long-established, friendly and powerful government; and while we have ever believed that, without this encouragement, the rebellion would have been of short duration, and would have saved to the United States the lives of hundreds of thousands and of millions of treasure, and to the European states the very serious industrial distress and suffering of operatives, resulting from the protraction of the struggle; and while my government has strongly protested against the measure in question, it had nevertheless acquiesced in it, and has, since such protest, not further complained of such neutrality.

The burden of the grievance in the present instance is the admission of said Florida under circumstances which were deemed sufficient by the local authorities of Cuba to deny such admission to a war steamer of the government of the United States. Upon this latter point, however, I do not now offer any remarks, as both your excellency and your predecessor have admitted on principle the impropriety of the course pursued by the Spanish authorities, and have only refrained from giving the desired reparation, for the reason that you wished first to be informed of the facts of the case from your own agents, so as to establish a proper basis for action.

In the interview first alluded to, you remarked that you were also waiting for information from Cuba, to ascertain the truth of the allegation that the Florida was permitted, in spite of the express notification of our consul-general, to leave the port of Havana within nineteen hours of the departure of the United States *aviso* W. B. Reaney.

Your excellency has, nevertheless, in your note to me, apparently justified this violation of the usual rule of international law, which prescribes twenty-four hours as the time within which belligerent vessels are not to leave neutral ports, by remarking that as the Reaney sailed for Cayo Hueso, (Key West,) she had ample time to reach her place of destination, nay even to return, the shortening of the usual time could have done her no injury.

Your predecessor, the Duke de la Torre, has absolutely denounced this deviation (if it should have taken place) from the usual rule as highly improper in the conversation I held with him on the subject, and I am, therefore, somewhat

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surprised that your excellency should have taken such a view of it as is indicated in your note, and to which I cannot by any means assent.

Upon more elaborate reflection I cannot but believe that your excellency must be convinced that it would be a very dangerous innovation to allow subordinate or any authority to add to or to subtract, according to their discretion, from the time which has been fixed as the proper one by the consent of nations. The vessel which leaves first has a right to count on the time so fixed, and her commander takes his measures accordingly. He will consult his convenience as to the course he may take; he may deviate from it in order to communicate with other vessels; he may delay for any purpose. And it will surely not do to let the port authorities substitute their calculations to his own, and therefore expose him to an unanticipated danger.

It was the very business of the Reaney, as part of her service, to communicate with the naval forces of the United States at the West India station, and she was entitled to use for that purpose all the time which the law of nations gave her, and she was under no obligation whatever to make the voyage to Key West in such a manner and within such a time as might conform to the suppositions of the port authorities of Havana.

Concerning the firing into and visiting the Reaney by her Majesty's war steamer Princesa de Asturias, your note proceeds upon the supposition that the Reaney was within the jurisdictional waters of Cuba.

The information in the possession of my government is, that the event took place from six to eight English miles from Havana, which would certainly fix the locality beyond the jurisdiction accorded by the law of nations to the power owning the littoral territory. Not being able, however, at this time, for want of more complete information, to allege with any degree of certainty that the Reaney was beyond the jurisdiction of her Majesty's government, I will leave the subject for the present. I may remark, however, that if the detention took place for the purpose of giving warning to the captain of the Reaney not to communicate with another vessel so near the harbor, a detention of a vessel in the service of the government of the United States for such a purpose was wholly unjustifiable, an act of very great assumption on the part of the commandant of the Princesa de Asturias, and cannot and will not be tolerated for a moment by any government which has the slightest regard for its own dignity and power.

I shall soon receive more complete information and further instructions concerning these disagreeable events from my government, and until then I shall forbear to discuss them any further, trusting that the observations now submitted will receive due consideration from your excellency, and that they may, to some extent, modify the views which you have expressed in reply to my informal note.

I take this occasion to assure your excellency of my most distinguished consideration.

GUSTAVUS KOERNER.

His Excellency the MARQUIS OF MIRAFLORES,
First Secretary of State of her Catholic Majesty.

Mr. Koerner to Mr. Seward.

No. 36.] LEGATION OF THE UNITED STATES,
Madrid, April 11, 1863.

Despatch No. 37, March 21, 1863, just received.

I shall not fail to press the recision of the order lately made at Havana, by the late Captain General Serrano, on the new minister of state, supported by such arguments as your despatch suggests.

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Your circular of 23d of March, covering letter of Postmaster General, in relation to postal conference at Paris, will be promptly attended to.

Our consul at Teneriffe is desirous that our cruisers should pay some attention to the ports of the Canary islands. Very suspicious crafts, under English colors, evidently blockade-breakers, come there to coal.

Your most obedient servant,

G. KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Koerner to Mr. Seward.

No. 44.] LEGATION OF THE UNITED STATES,
Madrid, May 23, 1863.

SIR: Despatch 42, of May 5, in which you are pleased to say that the views which I presented to the Marquis of Miraflores, in the conversation reported in my despatch of April 11, No. 35, are approved and confirmed, has been duly received.

As the various facts concerning the events about which I was instructed to make complaint—such, for instance, as to whether the Wm. B. Reaney was within Spanish jurisdiction when she was fired at and visited by the Princesa de Asturias—have undoubtedly been now fully ascertained, I expect to receive further and definite instructions as to my action in the premises.

The government here are undoubtedly in possession of all the circumstances, but they are not very likely to meet the questions in our complaint without being urged to it by a positive and well-defined demand on our part.

By the next Spanish courier I will forward to London, to be transmitted to the President, a beautiful volume, containing an address of many citizens, congratulating the President on his proclamation of the 1st of January, 1863, relating to the abolition of slavery in the revolted States. It was in the first place delivered by a committee to our consul at Barcelona, who has sent it to me, with a request to forward it. Enclosed I send you a copy of my letter to Mr. Little, in reply to his.

Barcelona, second only to Madrid in population, is the industrial and commercial capital of Spain. Its population, from time immemorial, has been known for its sturdy spirit of independence and its love of liberty. An acknowledgment, on the part of the President, of the sentiments of the citizens who signed the address, would be highly valued by them, and would make a very favorable impression with all the liberals in the country at large.

I have the honor to be your most obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, May 24, 1863.

SIR: I have received, through your hands, the splendidly gotten up volume, containing a congratulatory address to the President of the United States upon his proclamation of the 1st of January, 1863, relating to the abolition of slavery, and also expressing the sympathy and good wishes of a large number of citizens of Barcelona, who have signed said address, for the success of the principles sustained by our government.

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I shall take pleasure to make myself the instrument of transmitting said testimonial to our distinguished Chief of State, the more so as it comes from the citizens of Barcelona, a city renowned in history not less for its pre-eminence in all industrial pursuits, than for its love of the principles of human liberty and individual independence.

I have no doubt that the President will, in due time, respond in a proper manner to the enlightened signers of this address. In the mean time, if an opportunity offers, you will certainly express my own sentiments in acknowledging in sympathetic terms the action of the committee and of their constituents.

I am, sir, your obedient servant,

GUSTAVUS KOERNER.

JOHN A. LITTLE, Esq.,
United States Consul, Barcelona.

Mr. Seward to Mr. Koerner.

[Circular.]*

DEPARTMENT OF STATE,
Washington, June 15, 1863.

SIR: The military situation in the southwest remains unchanged. The sieges of Vicksburg and Port Hudson are continued.

There has been a change on the line on Virginia. Lee has moved westward from Fredericksburg, and General Hooker's army has, of course, changed position and attitude; but the object of Lee's strategy is not yet developed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., *&c., &c., Madrid.*

Mr. Perry to Mr. Seward.

No. 93.] LEGATION OF THE UNITED STATES,
Madrid, July 5, 1863.

SIR: Your attention will have been arrested by the description given by our consul at Teneriffe of a suspicious new and very swift steamer which called at that port on the 10th and 11th of last month, and took one hundred tons of coals. She was called the Keang-Soo, and bore the Chinese flag, pretending to be a Chinese man-of-war; carried six guns and one hundred and ten men, all Englishmen; had just sailed from the Clyde, and was to be followed, as her officers announced, by other sister ships destined to the same service, and which would also call at Teneriffe for coals.

I enclose for your perusal the copy of a letter I have just addressed to Mr. Adams on this subject.

Is there not a fleet of English-built and English-manned steamers collecting in some distant sea, to be transferred openly hereafter to the service of our rebels?

You will perhaps be able to confirm or reject this suspicion by additional information received from other quarters, but I beg you aid me and guide my action by your instructions.

I confess that, as the facts appear here at present, I should feel very much tempted to advise any commander of a sufficient naval force in our service to

* Same to other legations in Europe.

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overhaul one of these *Chinese* men-of-war, or all of them, and take them into port, if his examination of their character should not prove completely satisfactory.

I should feel confident that any question with his Imperial Majesty the Emperor of China, resulting from a mistake in the detention of these vessels, armed and manned in England, would not be beyond your power to arrange satisfactorily after the mistake (if any were made) should be corrected. But there is no naval force now near me fit for such service.

I lack not merely the advantage of your instructions, and the considerations of your better judgment to decide such a point as this, but the material means for any efficient action are completely wanting.

The President will probably have already taken such action as the government may have deemed adequate upon receipt of the letter of the consul at Teneriffe, which he informs me he addressed to you on or about the 14th of last month.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Perry to Mr. Adams.

LEGATION OF THE UNITED STATES,
Madrid, July 5, 1863.

SIR: I have received information from the consul of the United States at Teneriffe (Canary islands) to the effect that a very suspicious craft called the Keang-Soo, bearing the Chinese flag and pennant, and purporting to be a Chinese man-of-war, was at that port on the 10th and 11th of June, on her way from the Clyde to China, as she said. She was officered and manned by Englishmen, carried six guns, with a crew of one hundred and ten seamen, and was an exceedingly swift craft. The consul believes her to be a new confederate cruiser, and that, he reports, was the general opinion in the island.

The ship having no bill of health, and her flag being unknown to the local authorities, she was not admitted to pratique, but took one hundred tons of coals in quarantine and proceeded on her voyage.

Her officers said at Teneriffe that more vessels under the same flag were now fitting out in England, and would also call at Teneriffe for coals. The consul wrote immediately to the government at Washington, and I hasten to put this matter in your knowledge for such effect as you may think proper to give it in England.

Would it not be well to advise the captain of some one of our national vessels to proceed to the Canary islands, in the hope of overhauling one of these crafts?

I have no ship for this service near me; an old sailing sloop at Cadiz is the only man-of-war in Spanish ports. Perhaps you may know of a steam sloop or gunboat near your legation. Perhaps you may know also that these crafts are really intended for service in China, where, I am told, our English friends do not see two belligerents, but only a legitimate government and a rebellion, which it is quite proper for them to aid in suppressing.

Whether Chinese or confederate, will not these ships be transferred to the rebel service in the eastern seas? Is there not a fleet of them collecting in those distant seas, either to destroy our commerce or to come back in force upon our

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unprotected Pacific coast, or even to undertake some bold enterprise in the Atlantic ports, or in the gulf of Mexico?

Very respectfully, your obedient servant,

HORATIO J. PERRY.

His Excellency CHARLES F. ADAMS, *&c., &c., London.*

Mr. Seward to Mr. Perry.

No. 1.] DEPARTMENT OF STATE,
Washington, July 24, 1863.

SIR: Your despatch dated the 5th instant, and numbered 93, has been received. You will accept my thanks for the interesting and valuable information it contains, which has already been communicated to the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

H. J. PERRY, Esq, *&c., &c., &c., Madrid.*

Mr. Perry to Mr. Seward.

No. 103.] LEGATION OF THE UNITED STATES,
San Yldefonso, July 29, 1863.

SIR: I beg to congratulate the President on the splendid successes of our armies in every direction—north, west, and south—the news of which has reached us by the ordinary channels since the receipt of your last despatch of June 29. The news from Gettysburg, from Vicksburg, Helena, and from Tennessee, is the best possible answer from America to the machinations of rebel sympathizers in Europe. These had recently taken somewhat alarming proportions, and seemed to indicate a proximate attempt at intervention, and the possible recognition of southern independence. In the face of these victories, I am certain that no such attempt will be made. The gloomiest moment of our great struggle, as seen from Europe, has been succeeded by the brightest with a rapidity almost dazzling. It is hard to keep all the coolness of one's judgment in such a moment; but I am glad to believe that the turning point of the long contest was reached and passed on the 4th day of July last. That day becomes henceforth doubly hallowed, as marking, by a notable coincidence, the two great crises of our nation's history. The series of our victories will continue now. The military power of the rebellion is broken at its strongest joint and must hereafter rapidly diminish. The vital question of our existence, whether we are to continue to be a nation, or only a loose agglomeration of petty states, wrangling between themselves, is solved at last in favor of our nationality. The exaggerated assertion of State rights will no longer put the sword in the hands of our citizens. The great question of our interior polity and progress will hereafter be settled definitely by peaceful debates in Congress, and the ultimate appeal to the ballot of the whole people.

Tell the President that the respect of Europe is secured. I have to-day had an important interview with the Marquis of Miraflores on the subject of recognition; the field here is won.

I shall report to you as soon as the *memorandum*, which has been drawn up, is read and approved by the marquis, which will probably be to-morrow.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WM. H. SEWARD,
Secretary of State, Washington, D. C.

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Mr. Seward to Mr. Perry.

No. 3.] DEPARTMENT OF STATE,
Washington, August 10, 1863.

SIR: I have read with deep interest your despatch of the 12th of July, (No. 97,) and although I am not sanguine that the bold announcement of democratic and humane sentiments, in the justly influential quarter to which it refers, would prevail in the Queen's councils against the seductions of a flattering European alliance for our injury, I think I can see, in the present condition of Spanish politics, grounds to believe that, in the event of such a combination, Spain would have more reason to fear dangerous results than would the United States. Without having any reliable advices, I assume that the recent changes in the military situation here, and the failure of Mr. Roebuck's motion, together with the renewed declaration of neutrality made by the Queen of Great Britain in proroguing Parliament, have, for the present, quieted the intrigues of the sympathizers with the insurrection, as well in Madrid as in Paris and London.

A question whether the maritime jurisdiction of Spain extends more than three miles around the island of Cuba has been discussed here, and has just taken a critical shape. I send you a copy of the notes which have recently passed between this department and Mr. Tassara on the subject. The question requires to be considered with great coolness on the part of both governments. In view of its discussion, I think it proper to suggest that you assure the government of her Catholic Majesty in a respectful and informal way, but at the same time in a perfectly candid manner, that the United States sincerely and earnestly desire not only present but enduring peace and friendship with Spain; that, probably, our civil war, which is attended by so many irritations in the Gulf, cannot last much longer, and those irritations will depart with it; that the United States have hitherto been content with Spanish sovereignty in Cuba, and that after the war shall have ended, they are likely, owing to domestic considerations, to be even more just and friendly towards Spain than they have hitherto been; that, on the other hand, no one can foretell the future relations of the two countries if they suffer themselves to be drifted into a naval conflict by any of the cross currents that this insurrection may set in motion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., *&c., &c., Madrid.*

Mr. Seward to Mr. Perry.

No. 4.] DEPARTMENT OF STATE,
Washington, August 10, 1863.

SIR: Your very interesting despatch, under the date of July 19, and numbered 100, has been received. It is accompanied by numerous extracts from the press of Madrid, in which a question of recognition of the insurgents in our country seems to have been discussed with much earnestness and freedom. This discussion occurred simultaneously with debates upon the same subject in London and Paris. Since that time events have occurred here which will, probably, have quieted, at least for a time, the unfriendly debate in those capitals. I do not think it necessary to assume that her Catholic Majesty's government have sympathized with the enemies of the United States in the discussion which has taken place in Spain. You are at liberty, however, to state that the agitation has engaged the President's attention, and that he reckons confidently on the continued friendship of the Spanish government, and has observed

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with satisfaction the dignified forbearance it has hitherto practiced with regard to an unhappy strife which it belongs not to foreign nations, but to the United States alone, to regulate and compose.

The activity and energy you have practiced on the occasion are gratefully acknowledged.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., *Madrid.*

Mr. Seward to Mr. Perry.

No. 5.] DEPARTMENT OF STATE,
Washington, August 14, 1863.

SIR: Your interesting despatch of the 25th of July (No. 102) has been received. The European mail has, at the same time, brought what is said to be an authorized disavowal by the Spanish government of any design to recognise the insurgents now in arms against the United States.

If such a decision has been made, it will be proper for you to express to the Marquis of Miraflores the satisfaction with which the President regards the proceeding; and you are at liberty to say that it has been received as a new proof of the good will and friendship of Spain.

It has excited some surprise that the Spanish government should have left the United States legation at Madrid altogether uninformed of its purpose to send, and of its having actually sent, to Mr. Tassara the important instruction concerning the claim of maritime jurisdiction to the extent of six miles around the island of Cuba, which was mentioned in the despatch that was addressed to you on the 10th instant. Had they informed you of it, I think it possible that it might have prevented embarrassment. The United States, under ordinary circumstances, could not, so far as I am able to judge, have any special interest in denying to Spain the claim she makes of a maritime jurisdiction exceeding three miles around the island of Cuba, or elsewhere. But upon that question we stand upon a ground which is held by us in common with all the maritime states. The present movement is an unfortunate one, to expect us to surrender on our part a right which they are understood to maintain equally with ourselves. The difficulty is immensely increased by the manner in which the Spanish government has now presented the question. The delay of our reply to the notes of Mr. Tassara resulted from the circumstance that it seemed to this government an unpropitious time to negotiate the question when no case involving it had actually arisen, and while we were endeavoring to render just satisfaction to Spain in the case of the General Rusk, *alias* Blanche. It is apprehended that the case of the Victor, which is now made the subject of our special examination, will present the very question. I think that the notes addressed to Mr. Tassara ought to satisfy the Spanish government of our good disposition to give it a fair and just consideration. I need not indicate more distinctly than has been done in the last of those two notes how injuriously the proceeding which the Spanish government has taken embarrasses the discussion of the subject. Do not suffer the Spanish government to be misled into the belief that, if assailed, we shall not defend ourselves, or that, if Spain remains friendly to the United States, she cannot rely upon them for a just and liberal friendship in return.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., *Madrid.*

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Mr. Seward to Mr. Koerner.

No. 50.] DEPARTMENT OF STATE,
Washington, August 31, 1863.

SIR: I have just returned to this city from an excursion through the State of New York, in company with a large number of the foreign representatives residing near this government. The recreation thus obtained was as needful to myself as to them. The immediate departure of the mails prevents special acknowledgments of such despatches, received during my absence, as were thought deserving of my personal attention.

The siege of Charleston is proceeding with apparent success. The movements of General Rosecrans and General Burnside, in their operations with regard to East Tennessee, are as difficult as they are important.

The interests of the Union in Texas are not overlooked.

You will have already learned that the expectations of the insurgents which were built on a riot in New York, such as often happens in all great cities, have been disappointed. The re-enforcement of the army and the increase of the navy are going on with all reasonable success. The riot proceeded upon a false assumption of interested persons that the country was wearied and exhausted by this unfortunate civil war. It is now perceived that it is as prosperous and as strong as it has been at any former period of its history. It desires peace, but not immoderately.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., *&c., &c., &c., Madrid.*

Mr. Seward to Mr. Perry.

No. 7.] DEPARTMENT OF STATE,
Washington, September 3, 1863.

SIR: Your several despatches of July 29, (No. 103,) July 31, (No. 104.) and August 2, (No. 105,) have been received. The President is pleased with the assurance you have received from the Marquis Miraflores that the government of Spain still adheres to its policy of withholding recognition from the insurgents. It is not surprising that all the statesmen of Spain do not fully understand or always bear in mind the divisions of parties in the United States, and their relative policies in regard to the Spanish possessions of Cuba and Porto Rico. Still less does it surprise us that the Marquis Miraflores should have failed to apprehend fully the unswerving policy, exclusively American, which determines the United States to decline alliances for purposes of offence or guarantee with other nations. Nor is it generally wise or expedient for the government, under any administration, to open its questions of domestic policy in its controversies with foreign states. Nevertheless, you have not erred in bringing to the knowledge of the Marquis of Miraflores the bearing of the present civil war upon the question of slavery at home as well as abroad. The Spanish government can easily determine for itself whether the continued enjoyment of Cuba with slavery is more likely to be secured by a recognition of the insurgents, which would be an act hostile to the United States, than it will be secured by the policy of cordial friendship towards the United States which has induced them for sixty years to respect that occupation themselves, and to insist upon its being respected by all other nations. The United States do not want any more territories, certainly they do not want any more slaveholding territories. The United States government is not a forcible propagandist of emancipation even at home, although it

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does not hesitate to strike slavery down when it rises in resistance to the government. Much less is this government an armed propagandist of emancipation or any other policy in foreign countries. But it certainly could not, if assailed by any foreign slaveholding power, show any greater forbearance towards the slavery maintained by a foreign army than it shows to domestic slavery when employed against the government by the insurgents.

If you think it proper that these thoughts should be brought to the attention of her Catholic Majesty's government, your own discretion must be exercised as to the way of making them known informally to the Marquis of Miraflores.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., *&c., &c., Madrid.*

Mr. Seward to Mr. Perry.

No. 10.] DEPARTMENT OF STATE,
Washington, September 21, 1863.

SIR: Your despatch of August 26 (No. 110) has been received. The general views of the United States concerning the interests of society and government in Mexico, and on this continent, have been heretofore fully made known to all parties who officially expressed to us any concern on that subject. While adhering to these views, the President does not perceive any necessity for entering at present into the European debates which have arisen out of the changing phases of the war with France against Mexico. You will be promptly advised if it shall be deemed important to enter into explanations on that subject with the cabinet of Madrid.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., *&c., &c., Madrid.*

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN IN WASHINGTON,
Washington, September 3, 1862.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, deplores to find himself under the necessity to again call the attention of the honorable Secretary of State of the United States upon the arbitrariness of which, in regard to *quarantines*, the Spanish vessels at New Orleans are being subjected.

The transport ships-of-war of the Spanish navy, Pinta and Mari Galante, coming from Habana in ballast, have arrived at New Orleans for the purpose of taking on board a part of the tobacco which the Spanish government has purchased in that city, and notwithstanding the health of their crews has been most excellent during the voyage, a quarantine of *thirty days* to both has been imposed, without regard to the time of passage.

The consul of her Majesty had officially addressed himself to General Butler to know if the serious injuries which would arise from so extraordinary detention could be avoided, but up to the departure of the mail of the 23d of August no attention had been paid to his remonstrance.

It must be observed (held in mind) that at the same time that these hard quarantines are imposed upon the Spanish vessels, North American vessels, com-

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ing from the same place, are being admitted without any detention whatever, and also some foreign vessels, who observe it (the quarantine) during only two or three days.

In the note which the undersigned addressed to the honorable Secretary of State on the 7th of August last, respecting the quarantine of the Cardenas, mention was made of three vessels, to wit, the Marie Felicite, a French vessel, the English schooner Virginia Antoineta, and the North American steamer Roanoke, which, although coming from Habana, had been treated with less severity.

To these cases may now be added the ship Wild Cat, coming from Matanzas, which was detained but for two days, and the ship Statesman, from the same port, which was admitted after eight days.

In a correspondence which has taken place between General Butler and the commander of the Spanish war steamer Blasco de Garay, in relation to the scarcity of provisions on board this vessel, and in which the question of quarantine has been incidentally treated, General Butler says the following: "The question of the duration of the quarantine, and of the operations which are to be made to preserve us from contagion, I have submitted to the judgment of the proper medical officer of the lazaretto. I have never interfered by my orders with his dispositions. If he thinks that in a given case ten days suffice, ten days shall be imposed; if forty in another, it shall be forty; and if in another one hundred days, it must be one hundred. I think, however, that the medical officer can make a difference, with regard to the duration of the quarantine, between a vessel which has only touched at Habana and another which has loaded and taken her crew on board there. This must be borne in mind, in order to explain the difference of the duration of the quarantine."

Above all, it must be observed that, as is public and notorious, the state of New Orleans in point of salubrity is not to-day better, if indeed it is not already worse, than that of the island of Cuba; but setting apart this consideration, and even admitting the differences which General Butler establishes, either himself directly, or the medical officer of the lazaretto who fixes the duration of the quarantines, it is very singular that to the Pinta and the Mari Galante, as previously to the Cardenas, which arrived at New Orleans in the most satisfactory state of salubrity, a quarantine of thirty days should have been *systematically* imposed upon them, while to other vessels, under other flags, which at most could come under the same conditions, it has not been deemed necessary to impose them one or more than two days. Furthermore, it must be remarked that some of these vessels, the Pinta, had had a passage of twenty-one days when she presented herself at the lazaretto.

The undersigned, therefore, finds himself under the necessity of addressing himself in the most formal manner to the honorable Secretary of State, requesting him to be pleased to inform him what are the rules which, with regard to quarantines, attain in New Orleans, and especially the difference which appears to be intended to be established with respect to Spanish vessels.

In the present case the circumstance even arises that the Pinta and the Mari Galante are the vessels which, with the knowledge of the government of the United States, have come to take on board quantities of tobacco which, to the injury of the Spanish exchequer, have been for a long time detained in New Orleans, and the honorable Secretary of State will judge whether he should or should not give the order, already too late, that they be immediately despatched. In any event, he must understand that in the island of Cuba the most rigorous *reciprocity* will be observed with regard to the vessels of the United States which may arrive at those ports. To use the phrase of General Butler, "If it is thought that in a given case ten days shall suffice, ten days will be imposed; if forty in another, it shall be forty; and if in another one hundred, it shall be one hundred;" the same in the island of Cuba as at New Orleans.

In the correspondence with the commander of the Blasco de Garay, and in

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other communications to the consul at New Orleans, General Butler expresses himself in terms of the greatest friendship toward the Spanish nation. His acts, however, are in contradiction with his words, and neither the government of Spain nor the undersigned, in consequence of the responsibility which he has therein, can see with indifference the *unjustifiable* arbitrariness with which the Spanish vessels are being treated in New Orleans, particularly the *contrast* being so great between this conduct and that which is being observed towards the vessels of the United States both in Cuba and in Spain.

The undersigned avails himself of this occasion to renew to the honorable Secretary of State the assurance of his most high consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States, &c., &c., &c.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, September 10, 1862.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of Mr. Tassara's note of the 3d instant, preferring complaints alleged by the Spanish consul at New Orleans against Major General Butler's administration of the quarantine laws there in the cases of the Pinta and Mari Galante, transport ships-of-war of the Spanish navy.

In reply, the undersigned has the honor to inform Mr. Tassara that a copy of his communication has been sent to the Secretary of War, with the request that he would cause the subjects involved to be promptly investigated.

So far as this government knows, or has any reason to believe, Major General Butler's administration of the quarantine laws has been impartial in regard to all vessels of whatever nationality. Certainly the government will allow no invidious discrimination; and least of all, a discrimination to the inconvenience of Spanish vessels; and Major General Butler and Governor Shepley will immediately be so instructed.

The undersigned avails himself of the occasion to offer to Mr. Tassara renewed assurances of his very high consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, *&c., &c., &c.*

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, November 3, 1862.

The undersigned, Secretary of State of the United States, has the honor to transmit to Mr. Tassara the accompanying copy of a letter from the Secretary of War, of this date, communicating a complaint made to him by Major General Butler, commanding at New Orleans, in relation to the conduct of several Spanish vessels-of-war in that port, namely, the Pinta, Mari Galante, and Blasco de Garay.

The undersigned feels assured that the subject of General Butler's letter will receive the prompt attention of her Catholic Majesty's minister, and trusts that the conduct complained of may be susceptible of satisfactory explanation.

The undersigned offers to Mr. Tassara renewed assurances of his high consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, *&c., &c., &c.*

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Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN IN WASHINGTON,
Washington, November 5, 1862.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has had the honor to receive the note which, under date of yesterday, the honorable Secretary of State has been pleased to address to him, transmitting to him a communication from the honorable Secretary of War, with another from General Butler, complaining of the conduct of the Spanish vessels-of-war Pinta, Mari Galante, and Blasco de Garay, at New Orleans.

The undersigned declines to believe that the commanders of the vessels referred to have been wanting, at least voluntarily, in the duties of neutrality; but he will assure that the proper investigation will be made; and the honorable Secretary trusts with reason that the satisfactory explanations which the case may call for shall be given.

In reference to the conduct in general of the Spanish employés in their relations with this country during the present crisis, besides many other proofs known to the honorable Secretary, there exists the well-authenticated evidence of General Butler himself in an expressive paragraph of another recent document (his report in the affair of the quarantine) communicated to this legation by your department.

The undersigned avails himself of this opportunity to renew to the honorable W. H. Seward the assurances of his highest consideration.

GABRIEL G. TASSARA.

WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. Tassara to Mr. Seward.

[Translation]

LEGATION OF SPAIN,
Washington, November 26, 1862.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has had the honor to receive the note which, under date of the 23d instant, was addressed to him by the honorable Secretary of State, placing in his knowledge that, in consequence of the charges which previously had been made against some Spanish ships-of-war at New Orleans, in regard to which charges a statement had already been sought from this legation by your department, General Butler had prohibited the entry of any Spanish vessel-of-war further up than the forts of that port, until further orders from the Department of War. The honorable Secretary of State adds, that the explanations asked from this legation being still pending, he has thought it fit to recommend to the Secretary of War to direct the suspension of said order, hoping that, upon the knowledge of the facts, it may turn out to have been unnecessary.

On receiving the first communication of the 3d instant from the honorable Secretary of State upon this matter, the undersigned at once replied, under date of the 5th instant, that due investigation should be made, and that the honorable Secretary of State might rest sure that satisfactory explanations would be given, as far as there should be room for them. I at once communicated the matter to the government of her Catholic Majesty, requesting, at the same time, reports from the captain-general of Cuba and from the Spanish consul at New Orleans.

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The honorable Secretary of State will, however, well understand, that as yet there has not been time to receive any reply, and, in consequence, not the means for making the explanations required. Even in respect of the consul of New Orleans, it is proper to remark that the despatch from this legation was somewhat delayed by the existing irregularity of the communications with that port.

Thus things are; and while no fresh act has occurred to complicate the matter, the order fifteen days later of General Butler, resting only on the statements of some newspapers at Havana, could not but cause great surprise to the undersigned.

The alleged charges, besides, not having been even to this time presented in a distinct and formal manner, are not such even as might justify so extraordinary a measure. Even supposing there may have been incidents which might justify the complaints of General Butler, the honorable Secretary of State must understand that those incidents might have their explanation in the exceptional situation of New Orleans, or that this very situation may have modified or magnified them in the eyes of those authorities. In every view the matter is one which requires impartial and complete examination of the facts, and to prepare for this examination with extreme measures is to stamp things with a mark which neither Spain nor the United States would think it convenient to let them take.

Protesting, then, against the order of General Butler, and regretting that during the time it may have been in force some Spanish vessel may have become subject to it, the undersigned sees with satisfaction that the honorable Secretary of State has been prompt in suspending it, and pleases himself with the hope that the suspension will become a definitive counter order.

It is difficult, very difficult, to think that the commanders of Spanish vessels-of-war, who are referred to, can have broken the decisive orders they have to submit themselves strictly to the laws of neutrality. The undersigned, nevertheless, must repeat that the government of the United States shall have the proper explanations, and that any violations of their laws shall be duly acknowledged, being assured that those or other vessels which may come to their ports shall comply, as they ever have done, with all their duties to this government and to this country, avoiding on their part all that may give occasion to ill understanding.

The honorable Secretary of State needs not to have explained to him all the gravity there is in the act of closing an open port of one nation to the vessels-of-war of another nation which is neutral and friendly, especially in the position in which, respectively, are placed as well the government of Spain in respect to that of the United States, as the ports of Cuba in respect to New Orleans.

The present crisis gives great room for questions whose consequences it is necessary to meet with loyalty and good faith, and the government of her Catholic Majesty will not fail, on this occasion, in those qualities never belied by it.

Relying, then, in his confidence, that the disposition made by General Butler has been disapproved in a decided manner, the undersigned avails of the occasion to reiterate to the honorable Secretary of State the assurance of his highest consideration.

GABRIEL TASSARA.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

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Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN IN WASHINGTON,
Washington, March 17, 1863.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, regrets to find himself under the necessity of calling the attention of the honorable Secretary of State to the official communications published in the public prints, (the New York Herald of the 17th February,) of the admiral and officers of the squadron blockading the port of Charleston, in reference to the affair which recently occurred in the waters of that port between said naval forces and those commanded by the chiefs of the south.

With a precipitate haste and want of consideration, the example of which the undersigned will not imitate, the character and the good faith of the foreign consuls at that port are attacked in these communications, owing to the reference which the authorities of Charleston have made of their testimony in regard to that affair.

The undersigned could have at once protested against such a proceeding, positive as he was that the consul of Spain, in obedience to the instructions he has, could not have departed in the least degree from the strictest neutrality. He, however, awaited the receipt of communications from Charleston, and those which he has received but the more confirm him in that conviction.

The undersigned, therefore, protests against the censures made by the said admiral and officers of the squadron blockading the port of Charleston, in so far as they relate to the consul of Spain, he being enabled to assert that the foreign consuls, especially the said consul of Spain, for whom it becomes him to answer, did nothing more than to obey a natural duty of their position, in the exceptional circumstances in which they find themselves, by simply stating what they had seen, and leaving every other question which may arise to whomsoever it may concern.

The undersigned, therefore, hopes that the honorable the Secretary of State, who himself knows the strictness with which the consul of Spain at Charleston has always complied with the laws of neutrality, will give in this connexion to the said censures but the weight that should attach to them, as he may rest assured that the Spanish consuls do comply and will comply with loyalty and honesty, with the duties confided to their charge.

The undersigned avails himself of this occasion to reiterate to the honorable the Secretary of State the assurance of his high consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States, &c.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, March 20, 1863.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Tassara, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, of the 17th instant, in which he calls the attention of the undersigned to an official publication in the public prints, (the New York Herald of the 17th ultimo,) of the admiral and officers of the squadron blockading the port of Charleston, in reference to the affair which

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recently occurred in the waters of that port between that squadron and vessels of the insurgents.

In reply, the undersigned has the honor to acquaint Mr. Tassara that he has examined that publication, but has failed to discover that it in any way implicates her Catholic Majesty's consul. On the contrary, the undersigned well recollects that, at about the date of that publication, Mr. Tassara called here with communications from that gentleman to her Catholic Majesty's legation, which were considered by the undersigned as quite satisfactory on the subject.

The undersigned avails himself of this occasion to offer to Mr. Tassara a renewed assurance of his very high consideration.

WILLIAM H. SEWARD.

Señor Don G. G. TASSARA.

Mr. Tassara to Mr. Seward.

[Translation.]

SPANISH LEGATION,
Washington, March 27, 1863.

The undersigned, envoy extraordinary and minister pleipotentiary of her Catholic Majesty, has had the honor to receive the note of yesterday (26th) from the Hon. Secretary of State, according to which the consul-general of the United States at the Havana makes report to this department, that it has come indirectly to his knowledge that orders had been given that United States ships-of-war should not be permitted to hold communication with the ports of that island by means of boats, but must themselves enter said ports whenever they should have to communicate with them.

The undersigned has the antecedent which he communicated to the Hon. Secretary of State, in his note of the 20th of October last, upon the affair at Marianao, that it had been in effect until that time allowed, through mere toleration, to ships-of-war or merchantmen of this country to remain outside of the port of Havana; and in communication with the shore through that channel, when the perpetration of that offence having given ground to believe that the communication of the boat of the Montgomery with the consul-general of the United States had given occasion to it, that permission was withdrawn. The measure now spoken of refers, without doubt, to that.

The undersigned will, nevertheless, ask for information from Cuba, and will communicate the result to the Hon. Secretary of State.

The undersigned avails of the present occasion to reiterate to the honorable Secretary of State the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Tassara to Mr. Seward.

[Translation.]

SPANISH LEGATION,
Washington, June 5, 1863.

MY DEAR SIR: About the question raised last year at New Orleans on account of the asylum given on board the Spanish ships-of-war Blasco de Garay, Pinta, and Mari Galante, to sundry political refugees from this country, I have

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received a despatch from the Marquis de Miraflores, the present minister of state in Spain, in which, among other things, he says to me what follows:

"The right to give asylum to political refugees is in such manner rooted in the habits, in such sort interwoven with the ideas of tolerance of the present century, and has such frequent generous and beneficent applications in the extraordinary and ensanguined political contests of the times we live in, that there is no nation in the world which dares to deny this right, and, moreover, not any one that can renounce its exercise. What would become of the most eminent men of our days if, in the political tempests in which success may be against them, they could not protect themselves beneath the inviolable mantle of foreign hospitality, offering to them happily a friendly country, where they may breathe tranquil and safe; haply a shelter whose thresholds their pursuers cannot overstep, or haply, in fine, the shadow of a national flag floating in a port? In such cases it can be said that the flag which shields them is not merely the ensign of a foreign nation, but rather the banner of humanity and civilization, under whose ample folds all those can be received who are pursued because they are enemies, rather than because they are criminals. We are empowered, therefore, and we ought to give asylum on board our vessels-of-war in the United States to political refugees. The limitation of asylum lies in the offence. Asylum ought not to serve to give impunity to those guilty of ordinary crimes; that would be to encourage crime, and no civilized nation may do that. But it may be said that it is not easy for the commander of a ship-of-war to know whether the man who presents himself on board, asking for asylum, is or not guilty of ordinary crimes. In such cases the commander should require his word of honor that he has not committed such offences. But should he give that, and afterwards turn out that he has lied, there could be no difficulty in handing over to the authorities a man who to former offences had added that of the abuse of good faith, in being wanting to his parole. And if the government of Washington wishes to acquire a perfect and positive right to the delivery to them of those guilty of ordinary crimes, it will be enabled to do so by means of a treaty of extradition, to the conclusion of which the Spanish government would not oppose itself, as it has not refused to conclude such with other states. Applying the doctrine set forth to what happened at New Orleans, and equally revering the right of asylum to political refugees, and the sovereignty of the United States, the government of her Majesty deems that of Washington is in the right in hindering the departure from its territories of persons not provided with proper passports; but that the government at Washington has no right to constitute the agents of her Majesty the executors of this resolution. It should take its precautions and use its police to prevent any leaving without passport; but if an unfortunate individual, persecuted for political causes, succeed in escape, and places his foot on the ladder of a foreign vessel-of-war, it has no right to require the commander not to receive him because he carries no passport. To require this would be the same as to completely deny asylum; because it is clear that any one who can obtain a passport from the authorities of competency thereto has no need to go into asylum."

Respecting the matter of the sum of money alleged to have been carried on board the Blasco de Garay, the Marquis de Miraflores tells me that the matter is not sufficiently elucidated; that the proper papers have been called for; and if it should prove true, and that there has been some infringement of the laws of neutrality, although it cannot be doubted in any event but that the commander of the vessel acted in good faith, the most energetic measures will be taken to avoid a repetition of the act, the minister of marine having been written to upon this understanding.

Such are the frank and amicable explanations of the Marquis Miraflores upon this matter. On my part, I must hope that through them the order of Major General Butler, prohibiting the entry of Spanish ships-of-war at the port of New

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Orleans, which was so fitly suspended through the State Department, will be definitively revoked.

I remain, with the greatest consideration, truly, your servant,

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD.

Mr. Seward to Señor Tassara.

DEPARTMENT OF STATE,
Washington, July 2, 1863.

SIR: On the third day of November last the Secretary of War called my attention to a complaint which has been preferred by Major General Butler, who was then commanding the United States forces at New Orleans, against certain proceedings of the commandants of Spanish ships-of-war in that port, viz: the Pinta, Mari Galante, and Blasco de Garay. It seemed to me that these proceedings, if truly reported, were manifestly so improper that it could only be necessary for me informally to bring them to the notice of the Spanish government, in order to receive either satisfactory explanations, or some assurances that such proceedings would not be renewed. At the same time it was the earnest desire of this government to proceed, in asking for these necessary explanations, in a manner that would be as little embarrassing or annoying as possible to the Spanish government. I therefore placed the papers in your hands, with a request that you would bestow some attention upon them.

In the papers thus submitted to you General Butler states that he was informed and believed that each of these vessels took on board (at New Orleans) for Cuba, passengers not only Spanish-born persons, but citizens of the United States, who had been concerned in the rebellion, and who, against the orders of the commanding general, conveyed themselves and their effects away from the general's military department, on board of these national vessels-of-war. General Butler added:

"I have claimed the right to search them (the vessels before named) for criminals other than rebels, and, after much difficulty, the privilege was accorded on board the two first-named ships. My police found there many passengers without passes, and who were not Spaniards.

"The decks of the Blasco de Garay were literally covered with passengers, selected with so little discrimination that my detective officers found on board a passenger, an escaped convict of the penitentiary, who was in fresh flight from a most brutal murder, with his booty robbed from his victim on board this vessel-of-war."

In your reply to my aforementioned note of the 5th of November you stated that you declined to believe that the commanders of the vessels referred to had been wanting, at least voluntarily, in the duties of neutrality; but you at the same time assured me that proper investigations would be made, and that I was right in supposing that the satisfactory explanations which the case might call for would be given.

On the 13th of December, after I had placed in your hands additional documents bearing on the subject, I had the honor to receive an unofficial note from you, which was accompanied by a statement that you had received from his excellency the captain general of Cuba concerning the transactions of which I have complained. Your communication was conceived and expressed in the same liberal and friendly spirit which has marked all your intercourse with this government. I do not, on this occasion, draw its contents into review, because it was unofficial. The captain general's report, however, furnishes a statement

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of the transactions which occurred at New Orleans, in answer to the case which Major General Butler had submitted to this department. I avail myself of this statement to give precision to the discussion which has arisen, and I purposely leave any disputed feature out of the case.

In the month of September, 1862, the city of New Orleans had been reclaimed by the naval and military forces of the United States from an insurrectionary occupation, and was then held as a military position, in an actual state of civil war. The blockade regulations of the port were relaxed so far as to admit trade under military regulations. The three Spanish vessels-of-war, in conformity with the liberal practice which the United States have adopted towards all the maritime powers, were admitted into the port of New Orleans without question. The city was then in a condition of great distress, and permission was freely given by the authorities of the United States, to any foreign government which should ask it, to receive and remove any of their suffering countrymen who were not compromitted in the insurrection. A number of such persons went on board of the three Spanish vessels with passes from the military authorities, such passes being given to all unoffending persons who applied for them. The commander of the Blasco de Garay, being also in command of the other two vessels, not content with giving passages to persons of the class before mentioned, went further, and knowingly, and without consulting with the military commander of the port, received on board and conveyed away eighty native citizens of the United States who had been compromised in the insurrection, and this in violation of known and well-understood military regulations, which forbid any person without a pass to leave the city. On the 25th day of October the major general commanding called the attention of the captain of the Blasco de Garay to this subject, and then asked to be informed of the names of the passengers, not belonging to the government service of Spain, whom he had taken in his ship, on the voyage before mentioned, to Havana, and especially to state whether one Mr. Roberts, of New Orleans, was a passenger. The commander of the Blasco de Garay declined to comply with this request.

The case at this stage was submitted by you to the government of her Majesty; and on the 5th of the present month you communicated to me the views of that government upon the subject. The conclusions of the Spanish government are, that while that government considers that it is the right of the United States to hinder the departure from their territories of persons not provided with proper passports, yet this government has no right to insist that officers of Spanish ships-of-war shall not receive on board and carry away from New Orleans any persons, unprovided with passes, who may apply to such vessels for passage out of the United States.

Having submitted the question thus raised to the President of the United States, I have now to express to you my regret at the conclusion at which the Spanish government has arrived. It seems to me, in effect, to set up, although unconsciously, a claim that a Spanish ship-of-war, admitted by courtesy into a place actually held in military occupation by the forces of this government, may disregard existing military orders, which are issued with a view to the military situation of that place. This seems, in effect, nothing less than a claim of Spanish sovereignty over American citizens on board a Spanish ship, not merely within the civil jurisdiction, but even within the military lines of the United States, in their own territories. The claim thus understood cannot be conceded. I am, therefore, to inform you that the government adheres to its former declaration that no ship-of-war, of whatever nation, will be expected to carry into or out from any port of the United States, which is either occupied by their forces, or is in possession of the insurgents, any person who does not actually belong to the civil, military, or naval service of the country whose flag that vessel carries, and especially that such ships-of-war shall not, without express leave of the military authorities, carry into or out of such ports any citizen of

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the United States. It can be only on an expected compliance with these terms that any foreign ship-of-war can enter ports of the classes I have designated during the continuance of the present civil war.

I am, sir, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA,
&c., &c., Washington.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN,
Washington, July 9, 1863.

MY DEAR SIR: I have had the honor to receive your communication of the 2d instant, in reply to that which I had previously addressed to you upon transmitting another from the Marquis de Miraflores, on the subject of the passengers who, in the year last past, left New Orleans on board our ships-of-war.

Referring to the communication which I made to you on December 13, when transmitting to you the explanations of the captain general of Cuba, you were pleased to say to me, "that communication was conceived and expressed in the same liberal and friendly spirit which has marked all my relations with this government, and that its contents were not dwelt upon because it was extra official."

Nothing, in truth, is more certain than that, always in accord with my government, during my already long continued relations with the United States, I have been constantly guided by the friendly dispositions with which I feel myself animated towards this country, no less than by the desire to smooth down and bring to happy issue the grave questions which have been springing up between both governments, and that my communication referred to, of December 13, was dictated by the same friendly dispositions and the same desire.

It is, nevertheless, besides fully adopting and dwelling upon the import of the explanations of the authorities of Cuba, I reserved to my government any question of principle, and official or extra official; I do not think there can be any reason for not making such use of it as may seem fitting.

The Marquis of Miraflores, now having before him all the data, has thought proper to address to me the communication of which I made report to you in mine of July 5; and on transmitting it to you, I believed that, in virtue of the principles which are invoked in it, the question would be adjusted. My confidence was the greater, inasmuch as the marquis, whose friendly dispositions towards this government are also evident to you, at once offers satisfaction, in so far as he has considered that he ought to give it.

Regretting, therefore, that you may have believed yourself called on to insist in the matter, what pertains to me to do is the same that I have done to this time—that is to say, to transmit your communication to Madrid, and refer myself to my government, desiring and hoping that the incident at New Orleans, because, really, it deserves no other name, may not produce the least alteration in our good relations.

I avail of this occasion to reiterate to you the assurance of my highest consideration.

G. G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c., &c.*

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Mr. Seward to Señor Tassara.

DEPARTMENT OF STATE,
Washington, July 18, 1863.

SIR: I have the honor to acknowledge, with much satisfaction, the receipt of your note of the 9th instant, in answer to mine of the 2d instant, on the subject of the complaint preferred by Major General Butler against the proceedings of certain commanders of Spanish war vessels at New Orleans, and to concur with you in the hope that an incident that has passed, and which was, of itself, of no considerable importance when it occurred, may be disposed of in a manner mutually satisfactory and agreeable to the two governments and nations, as many such questions have been already happily settled.

I avail myself of this opportunity to offer to you renewed assurances of my highest consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, *&c., &c., &c.*

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AUSTRIA.

Mr. Motley to Mr. Seward.

[Extracts.]

No. 17.] LEGATION OF THE UNITED STATES,
Vienna, January 27, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch No. 27.

The subject of despatch No. 28 has been alluded to in mine of this day's date, (No. 16,) which goes by this post.

A few general observations upon the condition of this part of the world may be useful.

There is tranquillity in this empire, while in many directions, and in its immediate neighborhood, are indications of approaching storm.

Here the sincere, and thus far prosperous, effort to convert the despotic empire of Austria into a constitutional monarchy continues. The Parliament, or *Reichsrath*, adjourned on the 5th of December, after a session of twenty months, in which much useful and practical legislation was accomplished.

Not the least successful of the measure then adopted was one of the later ones, the bank act, by which the charter of the present bank was renewed on certain conditions, which it was, for some time, thought that the bank would not be induced to accept. The principal of these conditions regarded the permanent loan of eighty millions, made by the bank to the state. The finance minister, in his original project, required this loan without interest. The bank demanded two per cent. per annum. The lower house sustained the minister's project; the house of peers modified it. There was a committee of conference, the result of which, so far as regarded this point, was, that the state agreed to pay as much interest as should be necessary towards making the annual dividends of the bank seven per cent., with the stipulation, however, that the amount thus contributed should not exceed the sum of one million.

Very soon after the passage of this act the Reichsrath was prorogued by the Emperor. I regret that I was prevented by illness from witnessing this event, which took place with considerable ceremony in the great hall of the palace. It is worthy of remark, that the Parliament waits upon the sovereign in his castle to get itself prorogued, instead of receiving the monarch in its own hall. This, however, would at present be an impossibility. The lower house sits in a temporary wooden building, outside the gate, called the Scotch don, while the peers occupy a building within the town, at a considerable distance from the commons.

The bank act was, after a brief discussion, accepted by the directors and stockholders of the institution, the first consequence of which was a rapid fall in the premium of gold, (to use the incorrect but universally adopted phraseology of the money market.)

Ten pounds sterling, which on January 1, 1862, were worth 141 florins, were equal on January 1, 1863, to but 115. They even fell subsequently as low as 112; but at the present moment the exchange is almost where it was at the beginning of the year. The funds have improved between the first and last days of the year as follows:

5 per cent. national, from $81\frac{30}{100}$ to $81\frac{90}{100}$, or scarcely at all.

5 per cent. metalliques, from $66\frac{35}{100}$ to $76\frac{50}{100}$.

Bank shares, from 749 to 809.

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The provincial diets, or landtage, (having a certain analogy to our State legislatures,) are now in session. One of their principal functions is to choose members to the lower house of the national Reichsrath. The seventeen diets "on this side of the Leitha" are now in full operation. But Hungary, Transylvania, and Croatia maintain their attitude of quiet defiance. There is no meeting of the diets of those provinces, and they will send no representatives at present to the Reichsrath.

Meanwhile great complaints are heard from those districts of highway robbery on an extensive scale, by which the inhabitants are suffering much loss and general inconvenience. The imperial taxes are now collected, however, without the necessity of military force, and the government cherishes hopes that the passive resistance will, in due time, come to the same end which active opposition to central authority seems to have reached.

The late revolution in Greece, of which the quiet exclusion of King Otho was the singular catastrophe, has left that country, according to the accounts which reach us here, in a very unsettled and anomalous condition. Correspondents from Athens describe the outlying districts as entirely given over to brigands, who exercise an organized system of plunder, ransom, and black-mail; and even in the capital itself, if the same authorities may be relied upon, the highway robbers give the law, in broad daylight, to the passengers in public places, robbing and ransoming at their pleasure.

I am far from giving you this account as implicitly to be relied upon. The dethronement of a sovereign so nearly allied to this imperial house as King Otho has, of necessity, inspired great indignation here against his late subjects, and the accounts concerning the country are doubtless darkly colored. In the apparent impossibility of finding any prince willing to accept the throne, there seems a chance that the republican form of government may be adopted, and that, according to the views prevalent in Europe, would be the most fitting and most severe punishment for their sins which could be inflicted on the Greeks. It must be confessed that with its geographical position, overshadowed by the great monarchies of Russia, Austria, and Turkey, a small confederation of Greece and the Ionian islands, under the protection of England, would be the merest shadow of a republic. All the virtues which it might display would be attributed to its powerful protection; all its vices would be ascribed to the inherent evil of the republican form.

The last current reports are, that the Duke of Saxe Coburg has agreed to accept the crown, under certain conditions. There is yet no confirmation of the rumors. On the other hand, there is a rumor, which has gained credence, that Russia, foiled in the candidacy of the Duke of Leuchtenberg for the Greek throne, is disposed to put him in the place of Prince Conza. So far as I can learn, this is one of the many fictions of journalism.

The Oriental question, however, is rapidly assuming its old prominence in the affairs of the world. The maintenance of the integrity of the Turkish empire is considered by England as vital to the perpetuity of its own empire. Russia, by the results of the Crimean war, and by that vast, noble, but somewhat perilous and exhausting measure, the emancipation of its serfs, has been supposed to be no longer so dangerous.

Nevertheless, there is great commotion in the Danubian principalities. The transportation of arms into Servia, with many movements throughout those semi-Turkish, semi-independent countries, seems, to European politicians, to reveal the hidden but ever-suspected presence of the subtle and restless Russian diplomacy, and it is believed that Servia is to be made the arsenal out of which an armed attack is to be made, under Russian guidance, by the Slavonic populations of Turkey against the Porte. I do not undertake to give you these matters as facts, but as current suspicions, rumors, hopes, and fears.

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The natural, or at least historical, antagonism between Austria and Prussia is at this moment more pronounced than ever. The northern kingdom, under the guidance of the new minister-president, Baron Bismark Schonhausen, seems tending either to absolutism or to civil commotion, while this empire, with its present constitutional aspirations and sentiments, is placing itself foremost among the liberal powers of the continent. Thus the old dualism between the kingdom and the empire still remains, with a change of features in the two antagonists.

The present prime minister of Prussia has great talent, energy, and courage, and a strong will. He is a legitimate, and as such, no lover of parliamentary government. With the exaggerations common to all journalism he is depicted by hostile pens as desirous of swallowing up or "mediatizing" many of the lesser powers of Germany to the advancement of Prussia, whose body is supposed too slender for the great suit of armor which its military frontier in Europe obliges it to wear. Prussia is opposed to strengthening the powers of the federal union, as the late vote and debates in the Frankfort diet have proved, and is in favor of what is called "Lesser Germany," a group of states all to be united together by the customs union and the Prussian-French commercial treaty. A league of which, with its powerful military organization, it would be the natural chief.

Austria, on the other hand, would prefer a larger generalization of the German idea, and the advanced liberals even speak of a great German Parliament at Frankfort, consisting of representatives chosen by the people of Germany at large, instead of the present diet of envoys plenipotentiary sent by the different governments. * * * * * * *

You may well suppose that with so many topics of nearer moment agitating the public mind, there is less of absorbing interest in our own affairs here than is manifested by the two great western powers. This is fortunate for us. A disposition to meddle with us perpetually, to propound malicious, or ignorant, or mischievous criticisms, suggestions or complaints from high quarters, has never manifested itself here; and although the want of cotton is causing much distress in many provinces of the Austrian empire, no intimation has ever been made by the I. R. government that it is quite time for the American republic to dismember itself definitely, and doom itself, thereby, to a state of perpetual anarchy and civil war for the convenience of the European manufacturers.

I make no comment to-day on the aspect of our military affairs. We have received dates to the 8th of January, with confused telegrams, *via* Cape Race, of four days later. The reports brought by the telegraph are so uniformly and manifestly concocted in a sense unfavorable to our cause that I have ceased to pay much attention to them, and wait with what patience I may for the letters and journals which arrive several days later by post.

Thus far it appears that General Rosecrans has achieved by his great ability, personal bravery, and the persistent courage of his troops, an important victory in Tennessee, while the last confused accounts from Vicksburg are discouraging. It seems impossible, however, that the government should not put forth all its strength to obtain the mastery of the Mississippi, without which the war can never end, or the integrity of the republic be saved.

I have the honor to be your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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Mr. Seward to Mr. Motley.

No. 30.] DEPARTMENT OF STATE,
Washington, February 26, 1863.

SIR: Your very interesting despatch of January 27 (No. 17) has been received. The survey of continental politics which you have taken in this paper is full of instruction. If questions purely dynastic, or of mere administration, or, at most, of political organization, can make and keep so many European nations so unquiet, as to require constant vigilance on the part of their governments, one would expect that they could afford to be tolerant of this government, in its efforts to preserve, in its full efficiency, a system that is so perfect as to be undisturbed by questions of those sorts, and encounters an opposition or resistance from only one disturbing cause, and that one African slavery, which the public sentiment of mankind elsewhere unanimously condemns.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., *&c., &c., Vienna.*

Mr. Motley to Mr. Seward.

LEGATION OF THE UNITED STATES,
Vienna, June 1, 1863.

SIR: I have to acknowledge the receipt of your despatches, No. 28 to 33, of dates January 5, February 2 and 26, March 11, April 7 and 21.

I have delayed longer than usual sending you a despatch, in the hope of being able to give you more definite information in regard to the political and interventional aspects of this part of the world than it had of late been in my power to do. I am obliged to say, however, that I have nothing very important to add to the views presented, with much freedom, in my private and confidential letter of date March 10, 1863.

It is always easy to speculate as to the future, if one is indifferent to the possibility of being reputed a bad prophet, or confident that one's fortunate guesses, or unhappy blunders, are sure to be alike forgotten in the rapid movement of events.

Nevertheless, it is my duty to present you, from time to time, with the best materials within my reach for forming a judgment as to the present condition and immediate future prospects of Europe. In doing so, I shall always endeavor, as far as possible, to treat such subjects, as the Germans say, objectively, and not subjectively; for I should be rendering you very little service if I allowed such information as I may be able to collect to be colored either by my fears or my hopes.

It is also very difficult to obtain any special intelligence. Even despotic governments have, in our day, an almost feverish desire to appeal to the great tribunal of public opinion, by which, humanly speaking, the fate of nations must be ultimately decided; so that the most secret of the state papers would seem to be written with a view to publicity, even before they have become very old.

Moreover, the telegraph, in its fragmentary, sensational, and contradictory style of recording the events as they succeed each other, seems almost to have imprinted something of its elective character on events themselves. At any rate, it has reduced current history into a perpetual propounding of riddles.

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Wishing to send nothing in my letters which has already reached you in the public prints, and being at the same time quite unable, of course, at this distance even to keep pace with them, my occupation seems to be reduced to that of a commentator, rather than a narrator. I can only give you results and impressions, derived from all the sources of intelligence within my reach, but refrain for obvious reasons from citing my authorities.

The attitude of Europe is at present one of expectation. It is on tiptoe, waiting to see and to hear of startling events; and very contradictory statements circulate in well-informed circles. The prominent topic is naturally Poland. I have been informed, on good authority, that the Emperor of the French had determined, with or without the alliance of any other power, to make war upon Russia, for the purpose of securing the complete independence of the Polish kingdom.

Yet I have the best reasons for believing that this view is entirely erroneous. Most alarming reports are spread from time to time that the outbreak of hostilities is imminent; and the funds respond to the rumors with their usual alacrity of sinking, much to the advantage of the "bears;" yet, thus far, I have been able to discover no ground for believing, this year, in a European war.

It was said not long ago that Sweden, in conjunction with France, was ready to declare war upon Russia, and all the details of a Baltic campaign were duly mapped out by amateur strategists; yet I believe that Sweden was never further than now from contemplating war, and has seldom been more tranquil than when she was represented as overflowing with naval and military ardor.

It was very generally stated and believed that England had sent, without concert with the other powers, a proposition of armistice with the insurgent Poles in Russia. As such a step involved the recognition on the part of the Czar of his rebellious subjects as lawful belligerents, and a negotiation with an occult and mysterious power, called the national committee of Poland, concerning whose local habitation nothing is known, except to the initiated, it seemed difficult to credit such a report. To make a suggestion which could only meet with a refusal, and would be esteemed an affront by one party, without being of any service to the other, did not appear a very probable measure. I am informed that no such proposal has been made.

The prevailing impression here is, that there will be no war. The language of those most entitled to speak with authority is very pacific. Russia, France, England, Austria, prefer peace, during this year at least, to hostilities. Meantime the Poles have been encouraged by expressions of enthusiasm and sympathy in foreign countries, and by individual contributions to their aid, to proceed in the most determined and valorous, but as it would seem hopeless, attempt to make themselves independent of the Russian empire. Blood flows in Poland, and ink is profusely shed in the bureaus of the great powers; but, thus far, there is no tangible proofs of any effectual movement to aid the insurgents on the part of foreign governments.

What is called "moral influence" is as generally bestowed on the insurgent Poles as it has been, and continues to be, on the insurgent slaveholders in the United States; and it has done as much for the one as for the other. But in the case of the Poles, that material and political aid has been withheld for which they would have been very grateful. As yet there has been no proclamation of neutrality as between Russia and Poland; the insurgents have not been declared lawful belligerents; nor have any war vessels, built, manned, equipped, and armed in English ports, hoisted the Polish flag, and burned Russian merchantmen on the ocean. Yet it would be as easy for such vessels to sail with their prizes into Poland as into the "confederacy."

The stories which circulate as to the condition of affairs in Poland almost exceed belief. I make no allusion to acts of cruelty said to be perpetrated by the armed troops on both sides. Such horrors fill the journals of all countries,

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and resemble those which occur or are invented in every age and land afflicted by the scourge of civil war. But the immense power wielded so secretly and so strenuously by the national committee of Warsaw has had no parallel in Europe, if half what is reputed to be true, since the Vehm Gericht, of the middle ages.

The officials of the imperial government, in large numbers, are said to be the devoted servants of the insurrection. Men have been summoned from places as distant as Vienna by this occult power, and made to serve in the Polish armies, and no man knows the machinery by which these decrees are communicated and enforced. Intelligence is spread and newspapers are circulated under the very eyes of the government. Armies are levied, supported and diverted, municipal functions are exercised, a regular police is established, power of life and death over millions of people is steadily maintained. Yet no man knows by whom or how.

Dead bodies of conspicuous personages are picked up in the streets of Warsaw, labelled with a brief statement of the crimes for which they have been condemned to death and secretly executed.

Thus a double reign of terror, the open and the hidden, the legitimate and the insurrectionary, seems to pervade the whole atmosphere.

I give the latest intelligence of the working of this double reign of terror, taken from this morning's Warsaw correspondence in one of the leading journals of Vienna.

"All burgomasters and magistrates in the land have already, under date of April 17, received the following order from the national government, which I have had, by chance, an opportunity of examining:

"The chief of Curle, N. N., informs the city presidents, burgomasters, and magistrates, that they are forbidden, under any form whatever, to make reports concerning the movements, numbers, and operations of the insurrectionary national troops, and, in general, concerning all things which regard the insurrection. In case of disobedience, (widrigen falls,) they will be considered as traitors to their country, and, as such, immediately and unconditionally punished with death.

"As, among others, the burgomaster R , in the village of R , circle W , received the proclamation of the national government, he wrote, under date of April 23, a report (No. 509) to the land councellor (land-rath) of the Russian government, in which, after representation of the danger threatening him thus from both sides, he begged his superior authorities to provide him with the protection which he required for the fulfilment of his official duties.

"This request, which we have ourselves read, is expressed in a respectful and loyal tone; he alludes to the punctuality of the national government in executing their sentences of punishment, and appeals to the humanity of the Russian government.

"The answer which he received to his most obsequious request, under date of May 20, (No 36,008) from the commission of interior at Warsaw, was to the effect that he would be brought before court-martial and shot, in case he did not fulfil his official duties. The anxious burgomaster himself showed me this correspondence."—*Wanderer, Vienna, June 2, 1863.*

Of course, I do not vouch for the authenticity of these documents and statements; but I take them from a highly respectable and well-known daily newspaper.

Nevertheless, the contest in the end would seem unequal, although it is not the prevailing opinion of those who ought to be best informed that it will prove an easy task for the Russian government to suppress the insurrection.

As for the diplomatic negotiations going on, I have thus endeavored, without attempting to give details of matters which will soon be made public, to indicate their character according to the impressions made upon me by what I can gather as dilatory and pacific.

The optimists believe that an excellent arrangement will be made, by which a constitutional autonomy and representative institutions will be granted to Poland, and, therefore, as a necessary consequence, to the whole Russian em-

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pire, and that the Poles, although now professing to be contending for nothing short of complete national independence, will be very glad to accept of so large an instalment of their rights as the one thus stated.

The pessimists, on the contrary, look forward to a continued and chronic insurrection, cropping out at every point, not only of Congress Poland, but of the old provinces on the southeast, Podalia, Valhynia, and the Ukraine, never to be terminated until they have brought on a general European war, or until the Poles, for the want of foreign assistance, shall be decimated and exhausted.

I abstain from all disquisition as to the rights and wrongs of the question, my object, as before stated, being to provide you with such materials as are at my command for estimating the probabilities of the immediate future.

Austria, you may be sure, is most pacifically inclined. The imperial government has thus far acted with the western powers in their appeals to the magnanimity and forbearance of the Czar; and thus far Austrian Poland has not strongly sympathized with the insurrection. It would, however, be impossible for this empire to take part in a war against Russia for the purpose of establishing an independent kingdom of Poland, and by so doing to forfeit a considerable province. Governments make war sometimes to gain provinces, but rarely with the express purpose of losing one.

You have observed the recent course of events in Prussia. The question whether that country shall be considered a military monarchy, more or less limited by a written constitution, or a government of a house of commons majority, after the English manner, has reached, and, perhaps, passed its crisis.

The house of representatives adopted by a large majority an address denouncing the ministers and requesting the King to remove them at once and to change his whole policy; and the King has refused to receive a deputation charged with the presentation of the address, and has sent a message in reply rebuking the chamber and expressing unbounded confidence in the ministers.

The session of the house has been suspended, and a new one will not probably be called before January next, and very soon after which date the term of its existence expires. It is hardly believed that there will be serious commotion.

It would thus seem that the house of commons majority system was defunct in Prussia. It could be defended only by force of arms, or, at least, by some such peremptory measure as by the resignation of the whole house of delegates in a body.

As nothing of the kind has been done, and as the people are tranquil, it would seem that the fighting point had been reached and passed. At any rate, there is no belief to-day of impending civil war, but rather that a noiseless coup d'etat has been struck, the ministers would seem more securely established than ever.

Meantime, during the coming summer and autumn, modifications of the electoral law will probably be matured and decreed by the crown, by which a more pliable house may be secured, and it remains to be seen whether such laws will be resisted by force of arms. Present indications incline me to the belief that Prussia will again become a military monarchy.

In your despatch No. 31, of date March 11, you express the intention of the President to appoint a minister to Greece, and request my opinion as to the fitting time for such a mission.

I have hitherto delayed replying to that communication, expecting every day that there would be something definite to state. Greece is, however, still without a government, and marvellously in want of one. It is probable, however, that the difficulties in the way of the election of the young Danish Prince will be ultimately removed, and that the crown will be placed upon his head. Thus far, however, the efforts of the powers to obtain from the house of Wettesbach the renunciation of its claims have been unsuccessful. Moreover, the very alarming and anarchical condition of the country renders it more and more improba-

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ble that the new King, who is but a boy in years, could undertake to govern it without the assistance of a considerable foreign army.

There are recent indications that a military occupation of Greece will be thought a necessary measure. Certainly the accounts from that most interesting country are melancholy in the extreme; so painful that I do not like to dwell upon the subject to-day longer than to say, that up to this moment it would seem difficult to send a minister there, for it would be very doubtful to whom he could present his credentials. As a specimen of the sensational meat on which the public is fed, I give you the very latest telegram received here, although it will be old enough before it reaches you:

"The powers have so little confidence in the chances of the meeting of a congress, that in London and Paris engineer officers are occupied with the study of a plan of a campaign. Views incline to the idea of an occupation of Finland, in order, by means of a successful battle, to capture Petersburgh."

Our latest dates from America are to the 20th of May.

I have the honor to remain your most obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Motley.

Nor 37.] DEPARTMENT OF STATE,
Washington, July 14, 1863.

SIR: Your despatch of June 22 (No. 27) has been received.

If your speculations concerning the Polish revolution are correct, as I believe they are, then it will be seen that a location within the immediate sphere of European politics, like that of Russia, has some advantages as well as some disadvantages. The European states suffer long and forbear much with a nation that falls under the affliction of civil war, if it be only near home. They are very intolerant of a nation, on this continent, that suffers its domestic wrangles to break the peace of the world. The Poles are not yet recognized by either France or Great Britain as a belligerent. They talk of intervention in behalf of Poland, but they do not act.

Just now victory seems to be smiling once more upon the national cause. The achievements of our four great armies are very brilliant and effective. The navy is understood to be renewing its efforts at Charleston. These events are inspiring the country with hopes, the influence of which will probably be manifested in the further sacrifices it is yet required to make.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., *&c., &c., &c., Vienna.*

Mr. Seward to Mr. Motley.

No. 34.] DEPARTMENT OF STATE,
Washington, June 20, 1863.

SIR: Your despatch of the first of June (No. 26) has been received and read with much interest.

If even the wisest administration in the most enlightened states could always be relied upon to act upon just principles, or at least in conformity with the suggestions of its own real and permanent interests, we should have very small

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occasion to study the signs of the political weather in Europe. But, unfortunately, the state of morals yet remains such that a nation which has the misfortune to lose its prestige by falling into either foreign or civil war, very soon finds itself obliged to be cautious and watchful against new enemies in quarters before peaceful and friendly. Your review of the political situation in Europe is, in this respect, useful. While, happily for the interests of humanity, there is reason to believe that no speedy enlargement of the boundaries of war on that continent is to be apprehended, it appears, on the other hand, that there is so much uneasiness prevailing there as to render it improbable that rash and reckless counsels, injurious to ourselves, will be adopted by any of the western powers.

I can give you, of course, no special information concerning our internal affairs. We are in the midst of a great campaign. Important marches and protracted sieges engage the attention of the government and of the country. News of the results, sped by the telegraph, would outstrip anticipations travelling by slower processes. The country, although it exhibits the same mercurial temper which it has maintained throughout the whole war, is, nevertheless, sound in its resolution to suppress a needless and dangerous insurrection; and the government is performing its painful duty with no abatement of energy, and no diminution of confidence.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c.

Mr. Motley to Mr. Seward.

No. 31.] LEGATION OF THE UNITED STATES,
Vienna, August 17, 1863.

SIR: So soon as the news of the proclamation of the empire in Mexico, together with the offer of the imperial crown to the Archduke Ferdinand Maximilian, reached Vienna, I requested an interview with Count Rechberg.

I saw the minister accordingly on the 11th August. As he was to leave next day for Frankfort to attend the conference at the diet of sovereigns, and as many other members of the diplomatic corps were waiting to see him, the interview was necessarily very brief; I merely begged him to inform me what was authentically known to him in regard to the Mexican affair.

He replied that the intelligence received by the government was hardly in an authentic shape. He said: We do not consider our situation essentially altered. We are not prepared to take action on what may prove to be an ephemeral demonstration. We regard all that is reported concerning the whole affair—so far as relates to his Imperial Highness—as not having occurred; (*comme non avenu* was his expression, the conversation being in French.) I asked if he considered it true that a deputation was on the way from Mexico to offer the crown to the archduke. He replied that it was possible, but that it was very doubtful whether such a deputation would be received.

I asked if it was true that a telegram had been sent by the Emperor Napoleon congratulating the archduke on the news. He said, Yes; but that, from the tenor of the telegram, the Emperor Napoleon did not appear to attach much weight to the intelligence.

Under such circumstances, I said it was useless to ask whether any decision had been taken in regard to the offer, as such a question had already been answered in the negative by what he had already said.

He replied, "Of course;" and I then took my leave, saying that I only wished to know the exact position of the affair up to the present moment.

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I beg to be informed, at your earliest convenience, what language you wish me officially to hold on this very important subject The recent conquest of Mexico by France seems to me fraught with future woe to our whole continent; but I cannot think it desirable, in the present condition of our own affairs, that we should hasten the evil day by taking any part in that most unhappy adventure.

It is generally supposed that the Archduke Maximilian is desirous of accepting the crown of Mexico, but I am not aware that there are many persons in this empire who regard the project with favor. It certainly is an unpopular one with all classes of society, so far as I have been able to observe.

The language of the press is, in some cases, guarded, but in general decidedly hostile on the subject.

As a specimen of Vienna journalism in this matter, I send you a translation of a portion of an article from a widely circulated journal—*Die Presse.* The tone, although bold and bitter, is not exceptionally so.

I have the honor, sir, to remain your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Extract from the *Presse* of August 11, 1863.]

"The journals of Paris announce to-day that the Emperor and Empress have already sent congratulations by telegraph to the Archduke Ferdinand Maximilian, on the imperial Mexican dignity which has been offered to him. Well, they may think it a piece of good fortune—and they may have their reasons for it—to obtain possession of a crown in such a way in a country like Mexico. We, however, believe that we are a faithful organ of the opinion of the Austrian people when we say, without concealment, that the acceptance of the crown by the Archduke Ferdinand Maximilian would not be looked upon by any of them as a piece of good fortune, but, on the contrary, they would look upon it as an evil destiny. An evil destiny, we say, for it would be nothing else if an Austrian prince should ever seriously think of accepting a crown from the hands of a Napoleon. In the deepest humiliation of Germany by the forcible dominion of Napoleon I, we find nothing similar to this; and shall constitutional Austria bear to-day what absolute Austria was too proud to endure? And what sort of a crown is it? Without any plausible reason, treading under foot those liberties of the people of which they are always speaking, the French soldiers have broken into Mexico, and, after shedding streams of blood, they have occupied the Mexican capital, followed by the curses of a people hitherto proud of its independence And shall a crown of tears and blood, conquered in this forcible manner, be placed upon the head of a prince of constitutional Austria, perhaps as an indemnity for the pearl which in 1859 was broken from Austria's crown, or as a present to keep us unharmed in case of future occurrences of a similar kind? The more we lose ourselves in speculations of this kind, the more impossible, adventurous, unacceptable, and monstrous this proposed attention of the court of Napoleon to Austria appears to us. Have those who play with the thoughts of wrapping themselves in the purple mantle of an Aztec emperor already reflected on the political consequences which would follow Austria's acceptance of this imperial crown? Have they painted to themselves the wretched, dependent relation, the vassalage in which Austria—even assuming that there is no thought of compensation at the bottom of the French offer—that it is dictated by the purest unselfishness—will find itself in regard to Napoleonic France by accepting the Mexican crown? Is Archduke Maximilian, in Mexico, to be the counterpart to King George, of Greece, with only the difference that before his throne French soldiers would keep watch, as the King's crown in Athens would be protected by those of England? And even if it should be decided to give the new Emperor of Mexico an Austrian corps as an escort, has the cost of the scheme been already counted? What in the name of Heaven has Austria to do in this Mexican galley? It would be bound and exposed to France on all sides for this present of the Danaides, and particularly in regard to Poland it would be made lame and impotent in its political action; it would afford France a pretext for occupying Mexico, as the Pope affords a pretext for occupying Rome; it will have engaged its honor for specific French speculations, without satisfying a single reasonable interest. We already see the moment when the cabinet at Washington,

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fortified by the Monroe doctrine, by the alliance of the states of Central and South America, and by the enormous military resources which the end of the civil war will leave at its disposition, shall call upon the French in Mexico to leave a continent on which they have no business and no right to command. Shall Austria, then, make war in company with France upon America to uphold and occupy a problematical throne in Mexico? That would be the height of the adventurous, and Austria would have then no alternative than that of a shameful fiasco or that of a vassalage, which would absorb its best powers for the interests of France. Even if the thought of ruling the old empire of the Aztecs should not be devoid of poetic charm to a romantic character, we believe that the times have gone by when such caprices are sufficient to compromise the policy of great states and to throw them into endless complication. And so we still hope that the answer of Austria to the proposition of the Mexican assembles, received by way of Paris, will, this time, be a decided negative, and that once for all an end will be put to an intrigue which has no other aim than to shift the ignominy of the Mexican expedition – that attack on an independent people—from the shoulders of France on those of Austria, and to cover the gulf of the dirty speculations of the banker Jecker and his worthy associates in France and Mexico with the brilliant name of an Austrian prince."

Mr. Seward to Mr. Motley.

No. 41.] DEPARTMENT OF STATE,
Washington, September 11, 1863.

SIR: Your despatch of August 17 (No. 31) has been received.

When France made war against Mexico, we asked of France explanations of her objects and purposes. She answered, that it was a war for the redress of grievances; that she did not intend to permanently occupy or dominate in Mexico, and that she should leave to the people of Mexico a free choice of institutions of government. Under these circumstances the United States adopted, and they have since maintained, entire neutrality between the belligerents, in harmony with the traditional policy in regard to foreign wars. The war has continued longer than was anticipated. At different stages of it France has, in her intercourse with us, renewed the explanations before mentioned. The French army has now captured Pueblo and the capital, while the Mexican government, with its principal forces, is understood to have retired to San Luis Potosi, and a provisional government has been instituted under French auspices in the city of Mexico, which, being supported by arms, divides the actual dominion of the country with the Mexican government, also maintained by armed power. That provisional government has neither made nor sought to make any communication to the government of the United States, nor has it been, in any way, recognized by this government. France has made no communication to the United States concerning the provisional government which has been established in Mexico, nor has she announced any actual or intended departure from the policy in regard to that country which her before-mentioned explanations have authorized us to expect her to pursue. The United States have received no communications relating to the recent military events in Mexico from the recognized government of that country.

The imperial government of Austria has not explained to the United States that it has an interest in the subject, or expressed any desire to know their views upon it. The United States have heretofore, on proper occasions, frankly explained to every party having an interest in the question the general views and sentiments which they have always entertained, and still entertain, in regard to the interests of society and government on this continent. Under these circumstances it is not deemed necessary for the representatives of the United States, in foreign countries, to engage in the political debates which the present unset-

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tled aspect of the war in Mexico has elicited. You will be promptly advised if a necessity for any representations to the government of Austria shall arise.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., *&c., &c., Vienna.*

Mr. Motley to Mr. Seward.

No. 33.] LEGATION OF THE UNITED STATES,
Vienna, September 14, 1863.

SIR: I have the honor to acknowledge the receipt of your despatches Nos. 37, 38, 39, and 40.

I transmit herewith an authentic copy of the propositions for the reform of the German Bund, as accepted by the sovereigns assembled recently at Frankfort.

You are aware, of course, that the King of Prussia took no part in that diet; of the sovereigns present there were three, the Grand Dukes of Baden and Wiemar, and the Prince of Waldeck, who voted against the project.

I append to this despatch a translation of such portions of the document as may be likely to engage your immediate attention, and as have excited most interest outside of Germany.

The population of the states adhering to the proposition is twenty-six (26) out of the forty-four (44) millions inhabitants of Germany. It is not supposed, however, that the eighteen (18) millions of the non-concurring states, including Prussia, are likely to recede very soon from their position, so that the project, for the present, may remain unfulfilled. Indeed the Prussian government has appealed to its people in the new elections, which it has just ordered, on the ground that the Frankfort project would, if carried out, be detrimental to the position of that kingdom in Germany and in Europe. The expected counter proposition on the part of Prussia has not yet appeared; nor has any answer from King William to the collective note addressed to him by the sovereigns assembled at Frankfort, after the termination of their labors, been yet made public.

The movement made by the Emperor of Austria to strengthen the bonds between this empire and the rest of Germany, and the effort to infuse new vigor into the feeble league known as the German Bund, have been highly appreciated by his subjects and by the inhabitants of many other portions of Germany, and the return of his Majesty to his capital was celebrated with great demonstrations of popular rejoicing.

It has been felt for a long time, both by sovereigns and peoples, that the moribund confederation was not competent to place Germany, as such, in the position to which she is entitled in Europe, by her numbers, material resources, and intellectual power.

The yearning towards national unity is strong among the populations, but the dualism, the chronic rivalry, which exists between the two great governments of Austria and Prussia, renders such unity very difficult to attain.

It is of course impossible to give to any confederation the consistency and political power of a state. We Americans certainly have no cause to love the word confederacy. If, as is so fondly hoped by our enemies in Europe, our republic should be destined to destruction under the assaults of the present insurrection of the slaveholders, our national history would be of three-fourths of a century's duration, beginning with our struggles out of the chaos of the old confederacy into the constituted commonwealth of 1787, and terminating with

our descent into that still more dreary chaos which the so-called confederacy of 1861 is attempting so vigorously to bring back upon us.

It is a curious phenomenon for the indifferent observer, but a mournful subject for our own consideration, that at this very moment exactly *thirty-four* (34) states on this side of the Atlantic, inhabited by a people speaking the same language and having essentially the same history, are endeavoring to bring themselves into closer union, in order to enjoy the tranquillity within and security abroad to which their homogeneity entitles them; while beyond the ocean, our thirty-four (34) States are engaged in a sanguinary war of defence for the sake of preserving that inestimable privilege of constitutional Union which has so long been enjoyed in America, and which it is the present purpose of a gigantic treason to destroy.

It will be observed, too, that in the same quarters, where so much delight has been manifested at the anticipated downfall of the American republic, there is a growing anxiety in regard to the possibility of a reinvigorated and united Germany. I shall, however, not pursue this very obvious train of reflection.

It is superfluous to remark that the Bund, which word it is as well to preserve for the present in the original, can never be reformed into anything stronger than a league or confederation of sovereign states.

Imperial, royal, grand ducal families, which for centuries have exercised, not nominal and imaginary, but real and absolute functions of sovereignty, which have coined money, emitted bills of credit, held armies and navies, made war and concluded peace, entered into treaties of all kinds with all nations, which have so long been supreme, recognizing no superior—sovereign, in short—are not likely to tolerate any authority created over themselves, competent to make laws to be enforced over all Germany, anything to the contrary in the laws of the separate states notwithstanding.

The Bund, as such, can never be itself a united commonwealth, whether empire or republic, any more than the American consolidated Union, should it really fall into separate sovereignties, or detached groups of sovereignties, can ever again find centripetal force enough to constitute itself into a single body politic. There would have been another past for Europe, there would be another future, had there been, or was there likely to be, a single German state.

It is impossible not to warmly sympathize with the aspirations of those who contemplate so splendid a vision as that of a political union of forty-six (46) millions of people of one race and language, and occupying so proud a position as Germans have ever occupied in all that we understand by civilization; for Germany is assuredly the mother of our modern civilization.

Any approximation to such a result is therefore an attractive theme of speculation. Even if the absolute is unattainable, there is something noble and useful in these renewed stirrings towards a more close and practical unity than has hitherto existed. It can hardly be doubted that the strength and union of Germany is an advantage for Europe and a bond of peace and progress for the world.

It would hardly be just to criticise the present reform project from a democratic point of view, as it was certainly not intended to be judged by any such standard. Certainly there is but a pennyworth of the popular element in the proposed system.

Four bodies or boards are to be established for the purposes of the Bund, and their nature is described in the portions of the act herewith translated and sent.

The Directory will consist of the Emperor and three kings and two other sovereign princes.* The Bund council is a diplomatic body of envoys plenipotentiary from sovereign houses, bound by instructions.

* Unless the sovereigns of the sixth category should choose as their representative a burgomaster of one of the four free cities—a result which seems improbable.—See Art. III.

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The House of Delegates is an assembly upon the federal principle, like our Senate, made up of delegates chosen by the various representative bodies in the separates states. It will be observed, too, that in the states in which those bodies consist of two chambers, the Bund deputies are not to be chosen by joint ballot, but that one-third of them are to be appointed by the upper, and two-thirds by the lower house.

The Assembly of Princes is, as its name imports, a chamber of crowned heads, meeting in person to pass finally upon such measures as have already been acted upon by the other boards.

Thus it will be perceived that, strictly speaking, the popular principle is not admitted at all into the new project. Not only are there to be no elections by the people, but the representative bodies, by whom the Bund deputies are chosen, are themselves the results in most of the separate states, certainly in this empire, of an election by elected chambers, and are not chosen by the people in their primary meetings.

The House of Deputies thus constituted is to hold a regular session but once in every three years.

Upon this point, therefore, it is superfluous to dilate; but there is little doubt that the project, if thoroughly developed, would vastly increase not only the defensive power of Germany, as against the world, but elevate to a still higher point the position and influence of this empire. It is, in truth, on account of the supposed advantages thus to be conferred upon Austria, that the opposition to the supposed changes is owing. Prussia, which claims a much superior number of German subjects to those under the Austrian sceptre, is not likely to be satisfied with an equal number of deputies to those sent from the imperial states in the assembly. Nor is she pleased to perpetuate the hereditary claim of the imperial family, as descendants of a long line of German emperors, to preside both in the Directory and the Bund council. It has been even suggested by the very strictly conservative administration now governing Prussia, that an assembly of representatives elected by the people should have formed part of any new system of confederation. It might be hoped, therefore, that in the peculiar rivalry thus developed, the people would gain, while it would be difficult for them in any event to lose. The reproach upon Prussia, on the other hand, is that the lesser states in her neighborhood are in danger of being absorbed or mediatized, as materials to her own aggrandizement; and that a great Prussia necessarily implies a small Germany, of which the prevailing characteristic is to be a perpetual dualism, with possibility of civil war between the great empire and the great kingdom.

It is hardly necessary to call your attention to Article VIII of the project.

It is this considerable change in the powers of the Bund which causes anxiety abroad, as to the increased weight to be thus acquired by the empire in the European pentarchy. At present, should Austria be involved with a foreign power on account of her non-German possessions, which constitute in population some two-thirds of her realms, the Bund can only be held to take part in such war by a unanimous vote of its members, as represented in the restricted council. In future a two-thirds vote of the new Bund council would suffice to bring the whole power of the Bund into the field, or, for example, a Hungarian or an Italian issue. Thus the power of the empire as against those ever-threatening neighbors, Russia, France, and Italy, would be much increased.

The original proposition, as laid before the Congress of Princes by the Emperor, required merely a simple majority vote to implicate the Bund in such hostilities—an arrangement obviously still more advantageous to the empire; but the two-thirds rule was adopted as an amendment by the Princes assembled in Frankfort.

There are many reasons, therefore, why the new project should be hailed with considerable enthusiasm in Austria, and why the possible failure of the plan should be regarded as a disappointment.

Although but little has been done or pretended by way of strengthening the German people, much is proposed to strengthen the German and Austrian power; and it is not unreasonably regarded as an advantage, that the Princes, acting in their sovereign capacity, should be as well disposed, as the majority of them have shown themselves to be, to a closer union with each other.

There is no doubt, however, that the opposition to the scheme is very considerable in Prussia and North Germany generally, while fears are expressed in many other quarters that the Diet of the Princes at Frankfort, instead of marking the commencement of an era of closer confederation, may be the date of definite disunion.

It is impossible for the disinterested spectator not to wish, on the contrary, that from the earnest and vigorous efforts already manifested, some decided advantages for European peace and human progress may result.

The world at large has much to gain and little to dread in the increased strength and prosperity of Germany.

I have the honor to remain your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H SEWARD,
Secretary of State, Washington.

[Translation of the important passages of a project of a reform act for the German Bund.]

ARTICLE I. Enlargement of the purposes of the Bund.

The objects of the German Bund are: Protection [wahrung] of the safety and political position [machtstelling] of Germany towards the external world; protection of public order internally; advancement of the prosperity of the German nation, and representation of their common concerns [anliegen;] protection of the inviolability and constitutional independence of the several German states; protection of the public law in the same; community of legislation in the sphere of affairs attributed constitutionally to the Bund; facilitation of the introduction of universal German laws and regulations in the sphere of the legislative power of the separate states.

ARTICLE II. New organs of the Bund.

The direction of the Bund is confided by the sovereign princes and free cities of Germany to a Directory proceeding out of themselves.

A Bund council is formed out of the plenipotentiaries of the governments.

An assembly of Bund deputies will be periodically convoked.

An assembly of princes will come together periodically.

A Bund court of justice is created.

ARTICLE III. Directory and Bund council.

The directory of the German Bund consists of six votes, viz:

One vote for the Emperor of Austria.

One vote for the King of Prussia.

One vote for the King of Bavaria.

One for the Kings of Saxony, Hanover, and Wirtemburg, in yearly rotation.

One to be chosen by the grand duke of Baden, the elector of Hesse, the grand duke of Hesse, the King of Denmark, (as duke of Holstein and Lunenburg,) the King of Netherlands, (as grand duke of Luxembourg,) duke of Brunswick, and the dukes of Mecklenburg Schwerin and Mecklenburg Strelitz, and the duke of Nassau; and, finally—

One to be chosen by the grand duke of Saxe Weimer, the grand duke of Oldenburg, the dukes of Saxe Meiningen, S. Altenburg, S. Coburg Gotha and Anhalt, and princes of Schwartzburg Sondershausen, Schwartzburg Rudolstadt, Liechstenstein, Waldeck, Reuss elder line, Reuss younger line, Schaumburg Lippe, and Lippe, the landgraves of Hesse Homburg and the free cities of Lubeck, Frankford, Bremen, and Hamburg.

The members of the Directory will, according to rule, be represented at the seat of the Bund by plenipotentiaries. It is reserved to them, however, to assemble on important occasions, in order to perform the functions of the Directory in person.

ARTICLE IV. Formation of the Bund council.

The Bund council consists of the plenipotentiaries of the *seventeen* votes of the restricted council of the Bund assembly. Austria and Prussia have each *three* votes in the Bund council, so that the number of votes reaches *twenty-one* in all. The plenipotentiaries appointed for the Directory will, as a rule, represent the governments also in the Bund council.

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ARTICLE V. Presidency of the Directory and council.

The presidency in the Directory and Bund council is exercised by Austria. In case of hindrance of the Austrian plenipotentiary the presidency devolves on Prussia. No powers are connected with the presidency, except those requisite to the formal conducting of business.

All resolves of the Directory are passed by simple majority. In case of a tie, an arithmetical calculation of the population of the votes on each side is to be made. The resolves of the Bund council are by majority, except as may be hereafter excepted.

The directorial plenipotentiaries, as well as the members of the Bund council, are bound by the instructions of the governments.

ARTICLE VI. The executive power of the Bund is exercised by the Directory.

ARTICLE VII. The international representation of the Bund, in its quality as collective power, belongs to the Directory.

The presiding directorial plenipotentiary receives the credentials and letters of recall of foreign diplomatic agents. He conducts the oral and written intercourse with them, on the basis of the resolves of the Directory, and in its name.

The Directory has the right to appoint diplomatic agents of every rank for affairs of the Bund as a collective power. Their credentials and instructions are made out by the directing plenipotentiary, in the name and by the authority of the Directory.

ARTICLE VIII. War and peace.

The Directory has care of the external safety of Germany. Should the safety of the Bund be endangered, especially if the Bund or a single part of the Bund territory should be threatened with a foreign invasion, the Directory has to take all provisionary and preparatory military measures.

To this purpose it exercises all the collective functions assigned by the Bund military constitution to the Bund. It is especially incumbent upon the Directory to arrange for the placing upon a war footing and the mobilization of the Bund army, or of single contingents of the same, to provide for the putting in proper condition of the Bund fortresses, to appoint the Bund general-in-chief, to see to the formation of the headquarters and the army divisions, and to establish a special military exchequer for the Bund.

A vote of two-thirds of the Bund council is required for a regular declaration of war by the Bund.

If there be danger of war between a Bund state, which, at the same time, has possessions outside the Bund territory, and a foreign power, the Directory is to procure a decision of the Bund council on the question, whether the Bund will take part in the war. The decision thereupon is by a vote of two-thirds.

If the Bund territory be attacked by foreign forces, the condition of war exists at once.

The Directory has the right to introduce peace negotiations, and to this end to appoint its own plenipotentiaries, and to furnish them with instructions. It is, however, to take the views of the Bund council in regard to the conditions of peace. The acceptance and confirmation of a treaty of peace can only be by a two-thirds vote of the Bund council.

ARTICLE X. The Directory is to provide for the maintenance of peace and concord among the members of the Bund. Self-help between Bund members is forbidden, and the Directory is to prevent every attempt at such. In case of disputes of all kinds between Bund states, it is to introduce its mediation; and in case the attempt at compromise is without result, to resolve upon the reference to the Bund court of justice.

ARTICLE XII. Bund executive.

The Directory is to have care that the Bund laws, the Bund resolves, the sentences of the Bund courts, the compromises arranged by the Bund, the guarantees assumed by the Bund, be carried into effect by the governments interested. If there are obstacles of any kind, it is for the Directory to take the business of execution on part of the Bund immediately into its own hands. It can appoint commissioners for this purpose and place at their disposition, if need be, an adequate number of troops.

ARTICLE XIII. Military affairs.

The maintenance of the military constitution of the German Bund belongs to the Directory.

It manages the affairs devolving, through this constitution, upon the Bund, in regard to the Bund fortresses, coast defences, &c.

ARTICLE XVI. Bund finances.

The Directory administers the Bund exchequer, formed by the quotas of the separate states. From three years to three years, with the consent of the Bund council, it lays before the assembly of deputies for its approbation the estimates for ordinary and extraordinary Bund expenses. In case of disagreement, estimates voted at any previous period is the rule, unless the expenses so voted had been expressly for the purpose already attained.

ARTICLE XV. To the Directory belongs the summoning, opening, adjourning, dissolving, closing of the assembly of Bund deputies.

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ARTICLE XVI. Composition of the assembly.

The assembly of Bund deputies proceeds out of delegations from the representative bodies of the separate German states. It consists of three hundred and two (302) members, chosen by their bodies.

Austria sends to the Bund seventy-five (75) deputies, chosen by her (Reichsrath) Parliament out of the number of her members belonging to the German provinces, or out of the members of the diets of the Bund territory.

Prussia sends seventy-five (75) deputies out of the number of representatives of German Bund provinces in the Prussian diet.

The remaining one hundred and fifty-two (152) are apportioned among the other states, according to their importance, as twenty-seven (27) to Bavaria, fifteen (15) each to Saxony, Hanover, and so on. In these states in which the two-chamber system prevails, the upper chamber chooses one-third and the second chamber two-thirds of the Bund deputies.

ARTICLE XVII. The personal capacity to membership of the electing body decides at once upon the personal capacity for membership of the assembly of Bund deputies. The provincial representative bodies of the separate states cannot bind their deputies to the Bund by instructions.

ARTICLE XVIII. The assembly of the Bund deputies is regularly called together in the month of May, every third year, at Frankfort-on-the-Main.

ARTICLE XIX. The assembly of Bund deputies chooses its president, its vice-president and secretaries.

ARTICLE XX. Propositions regarding amendments to the constitution of the Bund require a vote of three-quarters.

ARTICLE XXIII. Establishment of the Princes' assembly.

According to rule, after the conclusion of the ordinary or extraordinary sessions of the assembly of Bund deputies, an assembly of the sovereign princes and of the chief magistrate of the free cities of Germany is to come together. The Emperor of Austria and the King of Prussia, in common, issue the instructions to the Princes' assembly. The sovereigns not personally appearing, can cause themselves to be represented by a Prince of their own or of another German house as alter ego.

ARTICLE XXV. The Princes' assembly takes into consideration the results of the transactions of the assembly of deputies, laid before it by the Directory. It takes the final resolves upon the propositions of the Bund deputies which do not require the assent of the representative bodies of the several states.

ARTICLE XXXIII. The Bund tribunal consists of a president, two vice-presidents, and twelve regular associate judges. There are also extraordinary members of the tribunal appointed under authority of the government of the separate states.

The Directory, with the consent of the Bund council, appoints from the fifteen regular members of the tribunal the president and the two vice-presidents.

Mr. Seward to Mr. Motley.

No. 42.] DEPARTMENT OF STATE,
Washington, September 22, 1863.

SIR: The opening of the campaign is attended with some embarrassments, which, in the excitement of the moment, are likely to be exaggerated. The expedition of General Franklin to Sabine Pass was only one of three designed to re-establish the national authority in Texas. Its repulse may retard, but it is not thought it endangers, the success of the plan.

Official despatches from the army of the Cumberland have been received of a date so late as 2 p. m. of the 21st. They are inexplicit, but their general effect is thought to justify the expectation of our continuing to hold our important positions in Tennessee. Should any later news be seasonably received I will communicate it by telegraph.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, *&c., &c., Vienna.*

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Mr. Seward to Mr. Motley.

No. 43.] DEPARTMENT OF STATE,
Washington, September 26, 1863.

SIR: Your interesting despatch of September 1 (No. 32) has been received. The United States are not indifferent to the events which are occurring in Mexico. They are regarded, however, as incidents of the war between France and Mexico. While the governments of those two countries are not improperly left in any uncertainty about the sentiments of the United States, the reported relations of a member of the imperial family of Austria to those events do not seem sufficient to justify this government in making any representations on that subject to the government of the Emperor. His candor and fairness towards the United States warrant the President in believing, as he firmly does, that his Majesty will not suffer his government to be engaged in any proceeding hostile or injurious to the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, *&c., &c., Vienna.*

Mr. Seward to Mr. Motley.

No. 44.] DEPARTMENT OF STATE,
Washington, October 5, 1863.

SIR: I have to thank you very earnestly for your interesting summary of the recent movements at Frankfort for the reorganization of the states of Germany. The United States entertain such cordial sentiments towards the states of Germany, severally, as must forbid any proceedings calculated to embarrass the just action of either of them for its own security and advancement. But this feeling ought not to restrain us from saying that every effort to consolidate all the German states under a federation which would promote the common development and progress of the entire fatherland would be hailed in this country with profound satisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, *&c., &c., Vienna.*

Mr. Seward to Mr. Motley..

No. 45.] DEPARTMENT OF STATE,
Washington, October 9, 1863.

SIR: Your despatch of the 21st of September (No. 34) has been received.

You have proceeded very properly in giving to Count Rechberg a copy of my despatch to Mr. Dayton of the 3d of March, 1862. This government desires to practice no concealment in its intercourse with foreign states. During the discussion concerning Mexico, and France, and the United States, which has been going on in Europe, I have refrained from instructing you to speak for the United States. This reserve has been practiced because the questions immediately concern only the three states mentioned, and the personal relation to them of the Austrian grand duke is an incident which could only bring the imperial royal government under any responsibility to the United States when that government should attempt or propose to violate some actual political right or disregard some practical interest which it would be the duty of the President to maintain or assert. But in this course of proceeding it has not been my intention to deny to you a full knowledge of the position of the President in regard

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to the questions debated. France is at war with Mexico and at peace with the United States, and a civil war is raging in the United States. I am to speak of the attitude of France towards the United States in relation to this civil war, and also to speak of the attitude of France towards Mexico, as it bears on the United States. For the sake of perspicuity I keep the two topics distinctly separate, and I treat the last one first.

We know, from many sources, and even from the direct statement of the Emperor of France, that on the breaking out of the insurrection he adopted the then current opinion of European statesmen that the efforts of this government to suppress it would be unsuccessful. To this pre-judgment we attribute his agreement with Great Britain to act in concert with her upon international questions which might arise out of the conflict, his practical concession of a belligerent character to the insurgents, his repeated suggestions of accommodations by this government with the insurgents, and his conferences on the subject of a recognition. These proceedings of the Emperor of France have been very injurious to the United States by encouraging and thus prolonging the insurrection. On the other hand, no statesman of this country is able to conceive of a reasonable motive on the part of France or the Emperor to do or to wish injury to the United States. Every statesman in the United States cherishes a lively interest in the welfare and greatness of France, and is content that she shall peacefully and in unbounded prosperity enjoy the administration of the Emperor she has chosen. We have not an acre of territory nor a fort which we think France could wisely covet, nor has she any possession that we could accept if she would resign it into our hands. Nevertheless, when recurring to what the Emperor of France has already done, we cannot, at any time, feel assured that under mistaken impressions of our embarrassments in consequence of a lamentable civil war, he may not go further in the way of encouragement to the insurgents, whose intrigues in Paris we understand and do not underestimate. While the Emperor of France has held an unfavorable opinion of our national strength and unity, we, on the contrary, have as constantly indulged an entire confidence in both. Not merely the course of events, but that of time, also, opposes the insurrection and reinvigorates the national strength and power. Under these convictions we avoid everything calculated to irritate France by wounding the just pride and proper sensibilities of that spirited nation, and thus we hope to free our claim to her just forbearance in our present political emergency from any cloud of passion or prejudice. Pursuing this course, the President hopes that the pre-judgment of the Emperor against the stability of the Union may give way to considerations which will modify his course and bring him back to the traditional friendship which he found existing between this country and his own when, in obedience to her voice, he assumed the administration of her government. These desires and purposes of ours do not imply either a fear of imperial hostility or any neglect of a prudent posture of national self-reliance, and in that posture we constantly aim to stand.

I speak next of the relation of France towards Mexico. Until 1860 our prestige was a protection to her and to all the other republican states on this continent. That prestige has been temporarily broken up by domestic faction and civil war. France has invaded Mexico, and war exists between those two countries. The United States hold, in regard to these two states and their conflict, the same principle that they hold in relation to all other nations and their mutual wars. They have neither a right nor any disposition to intervene by force in the internal affairs of Mexico, whether to establish or to maintain a republican or even a domestic government there, or to overthrow an imperial or a foreign one if Mexico shall choose to establish or accept it. The United States have not a right nor a disposition to intervene by force on either side in the lamentable war which is going on between France and Mexico. On the contrary, they practice in regard to Mexico, in every phase of the war, the non-

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intervention which they require all foreign powers to observe in regard to the United States. But notwithstanding this self-restraint, this government knows full well that the inherent normal opinion of Mexico favors a government there republican in form and democratic in its organization in preference to any monarchical institutions to be imposed from abroad. This government knows also that this normal opinion of the people of Mexico resulted largely from the influence of popular opinion in this country, which constantly invigorates it. The President, moreover, believes that this popular opinion of the United States is just in itself and eminently essential to the progress of civilization on the American continent, which civilization he believes can and will, if left free from European resistance, work harmoniously together with advancing refinement on the other continents. This government believes that all foreign resistance to American civilization, and all attempts to control it, must and will fail before the ceaseless and ever-increasing activity of material, moral, and political forces which peculiarly belong to the American continent. Nor do the United States deny that in their opinion their own safety and the cheerful destiny to which they aspire are intimately dependent on the continuance of free republican institutions throughout America, and that their policy will always be directed to that end. They have frankly, and on proper occasions, submitted these opinions to the Emperor of France, as worthy of serious consideration, in determining how he would conduct and close what might prove a successful war in Mexico. Nor do we practice reserve upon the point that if France should, upon due consideration, determine to adopt a policy in Mexico adverse to the American opinions and sentiments which I have described, that policy would probably scatter seeds which would be fruitful of jealousies that might ultimately ripen into collisions between France and the United States and other American republics. An illustration of this danger has occurred already. Political rumor, which is always suspicious, one day ascribes to France a purpose to seize the Rio Grande and wrest Texas from the United States. Another day rumor advises us to look carefully to our safety on the Mississippi. Another day we are warned of coalitions to be formed under French patronage between the regency that has been recently set up at the city of Mexico and the insurgent cabal at Richmond. The President apprehends none of these things, and does not allow himself to be disturbed by suspicions. But he knows, also, that such suspicions will be entertained more or less extensively in this country, and will be magnified in other countries, and he knows, also, that it is out of such suspicions that the fatal web of national animosity is most frequently woven. The President, upon the assurances which he has received from the Emperor of France, expects that he will neither deprive the people of Mexico of their free choice of government nor seek to maintain any permanent occupation or dominion there.

It is true that the purposes or policy of the Emperor of France, in these respects, may change with changing circumstances. Although we are confiding, we are not, therefore, unobservant, and in no case are we likely to neglect such provision for our own safety as every people must always be prepared to fall back upon when a nation with which they have lived in friendship ceases to respect its moral and treaty obligations.

In giving you this summary of our positions, I have simply drawn off from the records the instructions under which Mr. Dayton is acting at Paris. I remain of the opinion that national dignity is best conserved by confining the discussion of these affairs to the cabinets of the United States, France, and Mexico, and that no public interest is to be advanced by opening it at Vienna, and, therefore, I do not direct you to communicate this despatch to the imperial royal court.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., *&c.. &c., Vienna.*

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PRUSSIA.

Mr. Kreismann to Mr. Seward.

[Extract.]

No. 1.] UNITED STATES LEGATION,
Berlin, August 1, 1862.

SIR: Mr. Judd having in his despatch No. 29, dated July 7, 1862, advised you that during the period of his leave of absence, of which he is at present availing himself, the legation is left to my care, I have the honor to acknowledge the receipt of your circular transmitting a copy of an important bill which the President has submitted to Congress, and a copy of the message recommending the same.

The policy therein involved, that of emancipation, or putting slavery where it will be in the course of ultimate extinction, must win the favor of the country, and eventually be adopted, even if the present Congress has failed to respond to the President.

In Europe, and especially in Germany, where the opinion is extensively prevailing that the war cannot and will not be successfully ended until slavery, the cause of it, shall have been removed, the measure proposed by the President will serve to reassure and strengthen the belief in our final success.

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Your obedient servant,

H. KREISMANN.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Mr. Judd.

No. 44.] DEPARTMENT OF STATE,
Washington, December 1, 1862.

SIR: Your despatch of the 12th of November (No. 34) has been received.

The case of the Essex having been submitted to this department by his excellency the Baron Von Gerolt, the views of this government thereupon have been communicated to him, and, as I learn, he has referred them to the minister of foreign affairs at Berlin for instructions. While at present I see no reason to doubt the correctness of those views, there is at the same time the utmost readiness on the part of the United States to hear and consider any reply that may be presented by the Prussian government. Prussia, as well as other European powers, will see in the sequel that the United States perseveringly regulate their whole conduct of foreign affairs upon the principle of a due observance of the law of nations.

The President profoundly desires the security and welfare of Prussia, and he therefore earnestly hopes that, by wise and just counsels, the difficulties which are now threatening the peace of the kingdom may be averted without a sacrifice of the liberties of its very enlightened and generous people.

This government has not been seriously disturbed by the machinations of its disloyal citizens in Europe; but it has improved them for the purpose of pre-

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parations which have at least placed it beyond the reach of danger from foreign enemies. It is a pleasure, in this connexion, to renew the acknowledgments which have been heretofore made of the loyal and friendly disposition towards our country which has been constantly manifested by the King of Prussia.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NORMAN B. JUDD, Esq., &c., &c., *Berlin.*

Mr. Judd to Mr. Seward.

[Extract.]

LEGATION OF THE UNITED STATES,
Berlin, January 22, 1863.

SIR: Your despatches 44, 45, and 46, dated, respectively, December 1 and 13, 1862, and January 5, 1863, are received. Accompanying the last was your circular and the President's proclamation of January 1, 1863, making freedom national.

The proclamation of freedom has reached the liberal heart of Germany, and I hear in various directions of preparations for congratulatory addresses.

I hail that proclamation with the deepest thankfulness, and with the feeling that the enormous expenditure of blood and treasure in this unholy rebellion has borne its fruit in the acknowledgment of man's right "to life, liberty, and the pursuit of happiness" in his own way, subject only to the restraints which society for its own security demands and impose upon all men alike, the powerful as well as the humble.

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I have the honor to be your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Judd.

No. 49.] DEPARTMENT OF STATE,
Washington, March 7, 1863.

SIR: Your despatch of the 2d ultimo (No. 40) has been received.

Your proceedings in the cases of Apelt and Kloss are approved; and your observations upon others of a similar class, especially with regard to those where protection is invoked by parties who have returned to Prussia with the evident intention of remaining there permanently, are very just. It is easily to be foreseen that serious difficulties and embarrassments may arise, if the appeals of such persons for our protection against the operation of the military laws of Prussia should be indiscriminately pressed upon the attention of that government. Instances have occurred where Europeans, who have become naturalized citizens of the United States, have left the country when their services were required, and returned to Europe to avoid needful military duty here, and then have invoked the protection of the United States to screen them from military duty there. Henceforth you will make no further applications in these military cases without specific instructions.

Your remarks on Prussian politics and the Polish insurrection are interesting and instructive.

Your obedient servant,

WILLIAM H. SEWARD.

NORMAN B. JUDD, Esq., &c., &c., *Berlin.*

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Mr. Judd to Mr. Seward

[Extract.]

No. 41.] LEGATION OF THE UNITED STATES,
Berlin, March 30, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch (No. 49) dated March 7, 1863, and also your circular dated March 9, 1863, containing the joint resolutions of Congress relating to the subject of foreign intervention in American affairs.

Pursuant to your instructions I had an interview with the minister for foreign affairs, Von Bismark Schoenhausen, on the 29th instant, and left with him a copy of the resolutions. He told me that no application had been made to the Prussian government to join in any measures having for their object an intervention in American affairs.

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I have the honor to be your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Mr. Judd.

No 54.] DEPARTMENT OF STATE,
Washington, June 6, 1863.

SIR: Your despatch of May 9 (No. 47) has been received, and submitted to the President of the United States. In view of the present condition of the Union, it is deemed inexpedient to institute proceedings for obtaining exemption of William Lade, Augustus Henry Jaenschke, and Alexander Kloss, from the claims of the Prussian government for military service. Citizens of the United States, in the present emergency, ought rather to be at home upholding the government against domestic insurrection, than to be adding to its embarrassments by invoking the exercise of its authority for their special relief in foreign countries.

Your obedient servant,

WILLIAM H. SEWARD.

NORMAN B. JUDD, Esq., *&c., &c., Berlin.*

Mr. Seward to Mr. Judd.

No. 57.] DEPARTMENT OF STATE,
Washington, July 14, 1863.

SIR: Your despatch of the 16th of June (No. 48) has been received. I thank you sincerely for your very clear and succinct relation of the political events which have recently occurred in Prussia. The world is looking into affairs there with an interest which transcends mere curiosity.

Your obedient servant,

WILLIAM H. SEWARD.

NORMAN B. JUDD, Esq., *&c., &c., Berlin.*

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Mr. Kreismann to Mr. Seward.

[Extracts.]

LEGATION OF THE UNITED STATES,
Berlin, July 20, 1863.

SIR: The glorious news of the surrender of Vicksburg, and the rout and precipitate retreat of the rebels from Pennsylvania and Maryland, is at this moment received.

Thanks be to God, and to the brave and gallant men who achieved them, for these important successes to our arms. They swell the heart at once with feelings of deep gratitude and of just pride. May these brilliant beginnings now be crowned by the utter destruction of Lee's insurgent bands; for in General Meade, whom the President in his wisdom so suddenly and unexpectedly placed at its head, the army of the Potomac seems to have found a commander, able and competent to lead it, and to call out all its great strength and valor. All hail to him and his gallant men, as well as to the intrepid Grant and his veterans.

Already hearty congratulations at this good news are being received from the friends of our cause. They rejoice with us that the hour of our triumph has come, and that our glorious Union will yet be, not merely in song, but in blessed, living reality,

"The land of the free and the home of the brave."

Your despatches Nos. 55 and 56, relating to the position of military affairs previous to the battle of Gettysbnrg, have been duly received. It is a very welcome arrangement thus to obtain authentic information, for the accounts of the press are, indeed, confused and unreliable.

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I have the honor to be your obedient servant,

H. KREISMANN.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Mr. Kreismann to Mr. Seward.

[Extract.]

No. 8.] LEGATION OF THE UNITED STATES,
Berlin, July 25, 1863.

SIR: * * * * * * * *

Our late successes are exerting a strong influence upon public opinion here. The belief that the rebellion will be suppressed, and that that event is near impending, is rapidly gaining ground. The news to be brought by the China, from New York to the 15th instant, is very anxiously looked for.

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I have the honor to be your obedient servant,

H. KREISMANN.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

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Mr. Kreismann to Mr. Seward.

[Extract.]

No. 9.] LEGATION OF THE UNITED STATES,
Berlin, August 5, 1863.

SIR: * * * * * * * *

The outbreak in New York, amidst all the cheering successes of our arms, is indeed a sad and disgraceful affair; but the determination of the government to maintain the supremacy of the laws, and to inforce them, will make it subserve the interests and triumph of our cause.

I have the honor to be your obedient servant,

H. KREISMANN.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Kreismann.

No. 2.] DEPARTMENT OF STATE,
Washington, August 11, 1863.

SIR: Your interesting despatch of July 20 (No. 2) has been received.

Your views of the impropriety of diplomatic intercession in behalf of Mr. Jaenschke are entirely approved, and in all parallel cases that may arise you will lend no encouragement to the hope that the alleged grievance of an inchoate citizen of the United States, who has voluntarily subjected himself to the operation of Prussian laws, will at this time be made the subject of debate between the two governments.

For the welcome tidings of the improvement of public sentiment around you, in regard to our affairs, you will please accept my thanks.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

H. KREISMANN, Esq., *&c., &c., Berlin.*

Mr. Kreismann to Mr. Seward.

No. 12.] LEGATION OF THE UNITED STATES,
Berlin, August 22, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch No. 1, dated July 31, 1863, approving of proceedings as detailed in my despatch No. 6, containing the numbers where they ended last year, when the legation was left in my care, dated July 7, 1863.

The congress of German princes, as convoked by the Emperor of Austria, is now assembled at Frankfort, amidst displays and scenes which call back to memory the glorious times of the old German empire. All the sovereigns have come except the King of Prussia, who, after having first declined the invitation of the Emperor of Austria, has now refused another of all the princes assembled, and which was carried to him by the King of Saxony in person.

The following are the leading features of the project of reform, as laid before the princes by the Emperor of Austria:

The executive power of the confederation to be intrusted to a directory of

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five members. Austria, Prussia, and Bavaria would each appoint a member, the two others to be appointed by the other German states.

The defensive character of the confederation, as existing at present, to remain intact.

To the directory which would be presided over by Austria would be added, as a purely federal organ, a federal council, corresponding to the diet as at present existing, also presided over by Austria.

An assembly of delegates would be formed, consisting of 300 delegates, two-thirds of which would be selected by the elective chambers of the various states, and the remaining third by the upper chambers. Seventy-five members would be sent by Austria, and seventy-five by Prussia, the remainder by the other states. This assembly would be in office for three years. It would be the legislative assembly of the confederation; it would fix the federal financial estimates, (budget,) trace the fundamental lines for the special legislation of the German states, in so far as it concerns the press, the right of assemblage, the privilege of domicile, the execution of judicial sentences, emigration, and all federal affairs constitutionally placed under the competency of the confederation.

A simple majority would suffice for the decisions of the directory, as also of the federal council, and of the assembly of delegates.

At the close of the sessions of the assembly all the sovereigns would meet to examine and determine upon the resolutions adopted.

The project also comprises the establishment of supreme federal judicial tribunal.

The whole is very elaborate and detailed, and I beg leave to append it in full, in the original text, as a matter for reference.

Of course it is open to many objections, and does not fully respond to the just wishes of the German people; still it is more than it was supposed Austria would offer, and may well be taken as a starting point for further development. The non-participation of the King of Prussia may prove fatal to the deliberations, although indications now are that the project, with certain modifications, will be adopted by the sovereigns, the whole then to be referred for final detailed arrangements to conferences of ministers from the various states, in which it is expected Prussia will participate, and, when perfected, an assembly of delegates is to be called, to whom it will be submitted as the new articles of the federal diet.

The principal objection on the part of Prussia is to the Austrian preponderance, which runs through the whole project, and so far the objections are entirely justified, and meet the approval of the Prussian people and all the liberals in Germany. The latter are just now represented by an informal meeting of members of the chambers of the various German states, to the number of three hundred, also assembled at Frankfort. This body, in a series of resolutions, declares the inadequacy of the projected reforms, but still does not entirely reject them, and insists upon placing Austria and Prussia on a footing of impartial equality, as a condition necessary to any projected measures of reform. It also claims that no reforms will satisfy and be accepted by the German people unless they include a German Parliament, directly chosen by the people.

This is the condition of affairs as developed so far. I shall keep you advised of the further and final progress thereof.

In the matter of the acceptance of the crown of Mexico by the Archduke Maximilian the liberal papers in Austria continue to oppose in emphatic terms, while French and Catholic influence are active in urging the young duke to accept. A visit of the duke to the Emperor and Empress of France, at Biarritz, has been arranged. On his way there the duke will stop at Gaeken, to see his father-in-law, the King of Belgium. These events, it is believed, will settle the matter, and result in the duke's acceptance of the crown.

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The King of Prussia is now at Baden-Baden, but will return early in September. His health has greatly improved.

The Polish question remains "statu quo." I am inclined to believe that Russian diplomacy has carried the day. It will not come to a European war, and Russia will be left free to suppress the insurrection.

I have the honor to be your obedient servant,

H. KREISMANN.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Judd to Mr. Seward.

No. 51.] LEGATION OF THE UNITED STATES,
Berlin, September 9, 1863.

SIR: I have the honor to acknowledge the receipt of your circular No. 39, dated 12th of August. It has been published in most of the German newspapers, and is in the hands of almost all the intelligent readers of Europe.

We have news as late as General Gillmore's report from Charleston to the 27th ultimo. Sumter is demolished. The "London Star" calls it the destruction of "the Plymouth rock of rebellion." The sins of Charleston are so well stated in the London Star that I venture part of one of its articles.

Mr. Ruggles arrived here, after a passage impeded by fogs, on Monday, the 7th instant, and immediately took his seat in the international statistical congress. That body had commenced its session the day before, viz., Sunday, the 6th instant. He was in season to prevent the recognition of the existence of the confederacy in a most important report, the particulars of which he will explain. He has prepared a report on the resources of the United States, which is being printed and to be laid before the congress. It is characterized by his usual ability and broad and comprehensive views of the capacity of the United States to feed the world, and also to supply it with the precious metal, and the giant strides that they have made in the past in those directions.

The congress of German princes at Frankfort has closed its labors. The Austrian scheme has received the sanction of nearly all the princes, and they have now, in a joint letter, submitted it to the King of Prussia for his acceptance. It is, however, manifest that it will not be accepted, and that the scheme must fail, unless Austria can induce a number of princes to join it in a separate confederation—a course which, like secession in the United States, would result in war, and hence it will not be ventured upon.

His Majesty and the ministers returned in the fore part of this month. The King has by decree dissolved the chamber of deputies. The new election, according to the constitution, must take place within sixty days, the government fixing the precise time of the election.

No official programme has yet been laid before the public, but many rumors are rife as to the intentions and motives of the government in this course of action. It is useless to trouble you with these rumors, as they are all colored by the hopes or fears of the authors or repeaters. That the new election will give the government a chamber materially different in its composition from the one dissolved is entirely unlikely. Most of the present liberal members will be re-elected, and the majority against the government will be as large as before.

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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[Extract from London Star on Charleston.]

A southern paper complains with amusing simplicity that the Yankees get the largest possible guns to carry the heaviest possible shot, themselves keeping out of range of the confederate artillery. If the men who are thus overmatched were fighting in a good cause, we could profoundly pity them for the inferiority of their weapons. But it is not at Charleston that southern men can ask the sympathy or the compassion of Englishmen. Charleston has made itself infamous by the boldness of its blasphemy and its crime. It is a nest of man-stealers and women-floggers. It is the ringleader in rebellion against a government that excelled all others in the freedom it secured to its subjects. It is the capital of the new civilization, the cathedral of a new religion. It is the type and corner-stone of the doctrine that liberty and equality are hateful. It has set itself against all that we count true in morals and valuable in fact. If it perish, it will perish only in the hardihood of audacious wrong.

Mr. Seward to Mr. Kreismann.

No. 4.] DEPARTMENT OF STATE,
Washington, September 13, 1863.

SIR: Your despatch of August 22, No. 12, has been received.

The leading features of the project of reform, as laid before the congress of German princes which lately assembled at Frankfort, by the Emperor of Austria, are stated by you with great clearness, and your reflections upon the subject, as well as upon other questions which at present engage the attention of the German states, are interesting and instructive.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HERMANN KREISMANN, Esq., *&c., &c., Berlin.*

Mr. Seward to Mr. Judd.

[Circular.]

DEPARTMENT OF STATE,
Washington, September 28, 1863.

SIR: It seems desirable that you should have a correct view of the present military situation. We feel entirely safe in the occupation of New Orleans and the Mississippi. The forces are marching to occupy Texas.

We have a sufficient force in front of this capital, as we suppose, to assure us against aggressive movements of the insurgents in this quarter.

We trust that Rosecrans will be safe in Chattanooga until the large re-enforcements which are going to him from three points shall reach him there. Once at Chattanooga, we think we shall have the principal forces of the insurgents confined and practically harmless within the circle of Georgia and Alabama.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NORMAN B. JUDD, Esq., *&c., &c., Berlin.*

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JAPAN.

Mr. Pruyn to Mr. Seward.

No. 22.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 26, 1862.

SIR: I have the honor to inform you that on the 11th instant I received a letter from Kudse Yamato No Kami, minister of foreign affairs, informing me that his colleague, Audo Tsusima No Kami, had been promoted to the rank of Tamari Dsumi Kakee, (entitling him to meet in the hall of Tamari,) and honorably discharged as minister for foreign affairs, and that Midsuru Idsumi No Kami and Itakura Suno No Kami had been appointed minister of foreign affairs.

There are now, therefore, three ministers for foreign affairs.

It is to be regretted that this change has been made, as Audo Tsusima No Kami held the office for more than two years, and, besides being a man of extraordinary ability, he is regarded as extremely favorable to the treaty powers. I was very much impressed in his favor during the first and only interview I had with him.

This is the minister on whom the attack was made, described in despatch No. 9, of the 6th March. I transmit enclosure No. 1, being translation of a paper found on the person of one of his assailants who was killed at that time.

This paper was brought to Mr. Harris on the eve of his departure, and was regarded by him as authentic.

It appears from this paper that the attack was made on him because he was disposed to be the friend of foreigners, and therefore an enemy of his country.

I have delayed this despatch until I had some opportunity of observing whether any change should be apparent in the conduct of the officers of government.

And while it is obvious that I have had but little time to form a correct judgment, yet I feel gratified to be able to say that thus far I can perceive no change in the conduct of the governor for foreign affairs or any of the officials.

It would be impossible for them to be more friendly. I have had no business interview with the minister since the change alluded to, but the whole ceremonial attending my audience of the Tycoon, and the formal interview I subsequently had with the Gorogio, were in all respects courteous and friendly.

I can only hope that the change may have been dictated by motives of policy, affecting simply the government of Japan, and that the effect will be to enable the present ministers to grant without question that which the former ministry could not safely do, because of the suspicion which attached to all their measures.

It is worthy of notice, also, that this is the first instance which has occurred of any such change having been communicated to the ministers of foreign powers at the time of its occurrence. The process heretofore has been, when one of the ministers absented himself from the meeting of the Gorogio, to attribute his absence to sickness, to give the same excuse at subsequent interviews, and finally to announce, after the expiration of months, the appointment of a successor, the continued sickness of the minister having compelled him to ask to be relieved.

Some doubt exists as to the real character of this promotion. My colleagues

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regard it as an honorable dismissal of an able, rich, and powerful minister, and the office as merely nominal. But since my return to Yedo I have sought information on the subject, and have arrived at the conclusion that Audo Tsusima No Kami will still exercise a supervisory power connected with foreign affairs. I have no idea, however, that there is attached to the office he now holds any executive power.

Everything is so enveloped in mystery here that it is extremely difficult, and in some cases impossible, to arrive at the truth. An amusing instance of this is associated with the assassination of the Gotairo, (the regent,) whose head was cut off in a public street. The British minister was led to believe that he was in a fair way to recover from his wound, and his proffer of his surgical services was courteously declined.

I ride almost daily through the streets of Yedo, attended by Yankonians or officers of the government, and never carry arms. I have never been molested, nor seen any evidence of hostility on the part of its population.

The ministers of Great Britain and France have, respectively, a guard of soldiers and marines. I was visited a few days since by the minister and several attaches of the French legation and two of the attaches of the British legation. All were armed with sabres and revolvers.

It has appeared to me that any such exhibition of arms will only provoke hostility.

The British and French ministers continue their residence at Yokohama. The consul general of Holland resides at Nagasaki, and the consul general of Russia at Hakodadi.

I am the only minister who resides in Yedo.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 23.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, June 9, 1862.

SIR: Agreeably to your instructions contained in despatch No. 7, of the 5th of February, I addressed to Lieutenant Colonel E. St. John Neale, her Britannic Majesty's chargé d'affaires and consul general during the absence of Mr. Alcock, a letter, of which enclosure No. 1 is a copy, and also transmit No. 2, copy of his reply.

I have as yet received no reply to a letter addressed by me to the minister of foreign affairs on the same subject.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

No. 70.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, June 6, 1862.

SIR: The President of the United States has heard with much satisfaction of the arrest and death of two more of the persons engaged in the attack on the legation of her Britannic Majesty on the night of the 5th of July last, and I am instructed in his name to felicitate

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the British minister on the gratifying intelligence, so honorable to the Japanese government and so conducive to peace.

I have the honor to be, sir, your most obedient, humble servant,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

Lt. Col. E. St. John Neale,
H. B. Majesty's Chargé d'Affaires and Acting Consul General.

No. 7.] YOKOHAMA, *June* 7, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, communicating to me that you had been instructed to felicitate the British minister in Japan, in the name of the President of the United States, on the gratifying intelligence which had reached the President, of the arrest and execution of two of the persons engaged in the attack on the legation of her Britannic Majesty on the night of the 5th of July last.

I beg to assure you that this mark of sympathy and interest, coming from so high a quarter, in connexion with the event referred to, cannot fail to be gratifying to her Majesty's government, to whom I shall have the honor to transmit a copy of your despatch.

The Japanese government has undoubtedly acted under wise and just inspirations in the laudable efforts it has exerted to trace out and bring to condign punishment those who escaped of a gang of assassins guilty of an unparalleled outrage on the representative of a friendly nation residing within the capital.

These instruments of a murderous conspiracy, emanating from whatever source, had only in part been exterminated; the survivors remained, a living menace, actuated by a dangerous and increased vindictiveness; for a spirit of revenge against the members of the Japanese government itself was now superadded, this government (as might reasonably be expected) having loyally interposed the public guards, and killed and dispersed those bandits while in the act of assailing the legation.

Full of trust in the natural intelligence and wise determination of the Japanese government during the future course of its now irrevocable and happily restored relations with foreign governments, and in the prudent warnings which it must derive from those highly civilized and enlightened sources to which it may turn for counsel when in doubt, for myself, I am impressed with an earnest intention, regardless of adverse rumors, to entertain an unreserved confidence in the good faith and amicable sentiments of the Japanese government, persuaded as this government must already be that peace, friendly relations, and trade are the sole and dominant objects of our solicitude.

I have the honor to be, sir, your most obedient, humble servant,

EDWARD ST. JOHN NEALE,
H. B. Majesty's Chargé d'Affaires and Acting Consul General in Japan.

Robert H. Pruyn, Esq.,
Minister Resident of the United States, &c., &c., &c., in Japan.

Mr. Pruyn to Mr. Seward.

No. 24.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, June 9, 1862.

SIR: I have the pleasure to report to you that the most cordial relations exist between the ministers of France and Great Britain in Japan and myself.

Lieutenant Colonel Neale, the present chargé d'affaires of Great Britain, who has only been here a few days, and Mr. Winchester, who occupied that post on my arrival, I found to be frank and courteous gentlemen, animated by the most sincere desire to cultivate the most friendly relations; and Monsieur de Bellecourt, the minister plenipotentiary of France, has been unceasing in his good offices. On the departure of Mr. Harris he addressed me a private note, asking whether it would be agreeable to me that the Dordagne should salute our flag, and this courtesy was only prevented by Mr. Harris leaving in the steamer during the night. Subsequently he insisted on my visiting the Dordagne, so that a salute might be given, which would testify to the Japanese the cordial relations which exist between our governments.

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Shortly after the Dordagne left the port, and when about one hundred leagues out, encountered a terrific typhoon, which carried away her masts, nearly put out her fires, and left her, when she again reached this port, almost a wreck.

The commandant, officers, and crew exhibited such skill and bravery in saving the vessel, under the most adverse circumstances, and against every human probability of success, as to induce me to address Monsieur de Bellecourt on the subject. I have the honor to enclose No. 1, copy of my letter, and Nos. 2 and 3, copies of the minister's and commandant's replies, with translations.

I have the honor also to report to you that the most perfect accord exists between my colleagues and myself on the subjects in which our governments have a common interest. During the past month we have held two official meetings, for the purpose of deliberation and to insure harmonious action, and I entertain no doubt of the permanency of this very desirable cordiality, the result of personal good feeling coming to the aid of the desires and instructions of our respective governments.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WM. H. SEWARD,
Secretary of State, Washington.

No. 74.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, June 6, 1862.

SIR: I scarcely know whether to express my regrets to your excellency, or to offer my congratulations, on the recent disaster to the Dordagne.

His Imperial Majesty has sustained a pecuniary loss by the damage to the vessel. He will also mourn the loss of a brave seaman, who died in discharge of his duty. But another opportunity has been afforded the naval officers of France for an exhibition of consummate skill and seamanship, and of heroic bravery and endurance, which will no doubt prove highly gratifying to his Imperial Majesty, particularly in view of his intense solicitude for the development of the naval power and glory of France.

The wonderful progress made in the creation of a navy, not only in respect to the number, but also to the efficiency, of vessels acknowledged to have no superiors afloat, and which is to be principally attributed to the genius of his Imperial Majesty, has attracted the attention of the world, and will add greatly to the lustre of his reign.

Will your excellency allow me, through you, to offer my most respectful congratulations to Monsieur Fancon, le capitaine de vaisseau, on his return to Kanagawa. I hear his praises everywhere, and that, under the good Providence of God, the safety of the Dordagne is to be attributed to him, and I congratulate you that his Imperial Majesty has so brave and accomplished an officer.

I avail myself of this occasion to renew to your excellency the assurances of high consideration with which I have the honor to be, your excellency's most obedient servant,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

His Excellency DUCHESNE DE BELLECOURT,
His Imperial Majesty's Minister Plenipotentiary, &c., &c., &c., in Japan.

LEGATION OF FRANCE, *June 7, 1862.*

SIR: I received the very cordial letter, dated yesterday, which your excellency did me the honor to write to me on the occasion of the return of his Imperial Majesty's ship Dordagne, providentially escaped in the typhoon of the 29th of this month, (of last month,) and I hastened to communicate to Mr. Commandant Fancon the expression of your sympathy, upon whom, like myself, it made a deep impression; and he intends addressing your excellency, returning thanks, and also for his staff and crew

The government of the Emperor, whenever informed of this courteous attention by transmitting a copy of your excellency's letter, will, I feel fully convinced, highly appreciate,

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as I do, the sentiments about his Imperial Majesty, as well as those about the French navy, from the representative of a power with whom France entertains relations of the most sincere cordiality.

Permit me, sir, while returning you my warmest thanks, to renew the assurances of the high consideration with which I have the honor to be your excellency's most obedient, humble servant,

DUCHESNE DE BELLECOURT,
Minister Plenipotentiary of his Majesty the Emperor of the French, in Japan.

His Excellency Mr. PRUYN,
Minister of the United States in Japan, Yedo.

DORDAGNE, *Yokohama, June* 7, 1862.

MONSIEUR LE MINISTRE: With a strong feeling of gratitude I read the letter which your excellency was pleased to write to Mr. the minister of France on the occasion of the disaster which the Dordagne recently experienced at sea. I have the honor to return your excellency my very sincere thanks for the kind interest shown us.

I also thank you in the name of the imperial navy for the very flattering manner in which you speak of her. These praises are the more precious as coming from the representative of a great naval power, whose navy has always distinguished itself among all others by the beautiful construction and the magnificent condition of its squadrons, testifying in every sea to the accomplishments of the distinguished seamen who command them.

May it please your excellency to allow me to express how greatly moved I feel by your kind courtesy, still more increasing my strong sympathy for the United States, which, during my long career, my numerous and cordial relations with their civil or military representatives inspired.

With profound respect, I remain, M. the minister, your excellency's most obedient servant,

CHARLES FANCON,
Post-Captain, Comd'g the ship Dordagne, of the Imperial Navy.

His Excellency Mr. the MINISTER OF THE UNITED STATES *in Japan.*

Mr. Pruyn to Mr. Seward.

No. 25.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, June 21, 1862.

SIR: The 21st article of the treaty of Japan with Great Britain provides that "all official communications addressed by the diplomatic and consular agents of her Majesty the Queen of Great Britain to the Japanese authorities shall henceforward be written in English." In order, however, to facilitate the transaction of business, they will, for a period of five years from the signature of that treaty, be accompanied by a Dutch or Japanese version.

This period will expire on the 26th day of August, 1863.

In view of this article, the Japanese government have for a long time caused instructions in reading and writing the English language to be given to a large number of these officials. It is known that, while many of them can read and write with great readiness, they have made little progress in speaking the language.

I have received a letter from the minister of foreign affairs, of which I enclose translation, No. 1. After consultation with the young gentlemen attached to this legation, I sent a copy, of which I enclose copy, No. 2.

It is proper to say, in this connexion, that the Reverend S. R. Brown, of Kanagawa, a missionary from the Reformed Dutch church of the United States, had offered, through Mr. Harris, to take charge of any number of young men whom the government might send to him for that purpose; and at an interview which I had on the day of the receipt of the letter, with one of the government

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of foreign affairs, I offered to invite to this legation, for the purpose of giving such instruction, a very capable young gentleman now at Kanagawa, who has been professor in an institution in California, and to provide for his support while so engaged.

Meanwhile I proposed to make known their wishes to the government of the United States, and suggested it was possible the President might, in view of the great advantages which would result, cause a suitable instructor to be provided.

I was answered that the government preferred to send the men to the legation, and it was desirable that no delay should take place in commencing instructions.

I have thought it proper to make this detailed statement, as it is extremely desirable that all official correspondence with our minister and consuls shall be in our own language, thus insuring greater freedom in our intercourse.

It is very obvious that this imposes an unpleasant burden on the legation, in which I must, to some extent, share; but I did not feel at liberty to refuse the request, and am pleased to say, that I think the gentlemen attached to this legation will faithfully and successfully discharge the duties which they have so cheerfully assumed.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WM. H. SEWARD,
Secretary of State, Washington.

No. 1.

To His Excellency Robert H. Pruyn, Minister Resident of the United States of America, &c., &c.:

In our country there are but few who have a knowledge of the English language. It will not be in accordance with the stipulation in our treaties with the several powers if conferences cannot be held in that language when the time for doing so will have arrived; and, besides, it will also cause inconvenience at interviews. It is, therefore, desirable for us to send suitable persons to your legation to receive instruction in that language. We now request your excellency to make an arrangement for that purpose, and give us your reply in writing.

With respect and esteem, the 18th day of the 5th month of the 2d year of Bunkin, (the 15th June, 1862.)

KUDSE YAMATO NO KAMI.
MIDSUNO IDSUMI NO KAMI.
ITAKURA SUWO NO KAMI.

No. 2.

LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, June 18, 1862.

In reply to your letter of the 15th instant, I have the honor to say that it will afford me great pleasure to receive at this legation such young men as you may wish to send for the purpose of receiving instruction in our language.

Messrs. William Ingraham Kip and Robert C. Pruyn, secretaries attached to this legation, have, at my request, kindly undertaken to devote such time each

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day, except on our Sabbath day, as may be necessary for the purpose of such instructions; and Mr. Portman, the interpreter of this legation, will, with great pleasure, give such time as he may be able to spare from his duties for the same purpose.

With respect and courtesy,

ROBERT H. PRUYN,

Minister Resident for the United States of America, &c., &c.

MINISTER FOR FOREIGN AFFAIRS, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 31.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, June 30, 1862.

SIR: It becomes my painful duty to inform you of another outrage on the British legation, which has terminated fatally.

Colonel St. John Nealé, her British Majesty's chargé d'affaires, arrived in Japan on the 23d of May last. He has been confined to his house for some weeks by sickness, from which he is not yet entirely recovered. Several private notes passed between us while he was detained at Yokohama, on the subject of the state of feeling in Yedo, in relation to which many unfounded and highly exaggerated rumors prevailed there. I was finally informed by Colonel Neale that he had determined to take up his residence in this city, which he accordingly did on the 11th instant.

On the night of the 26th instant, when the British legation was surrounded by a Japanese guard of five hundred and eighty-five men, and was also guarded by thirty marines and sailors from her Britannic Majesty's steamer Renard, and by a lieutenant, sergeant, and twelve men from the military mounted train, the sentinel, a sailor from the Renard, stationed at the chamber door of Colonel Neale, was desperately wounded by a Japanese, and died during the day.

Colonel Neale was aroused by the cries of the wounded man, as was also the corporal of the British guard, a marine from the Renard, who was in the vicinity going the rounds. The corporal was then attacked, and almost instantly killed, but not until he had succeeded in firing his revolver.

For the particulars of this affair, as far as they have transpired, I beg to refer you to the following enclosures: No. 1, Mr. Neale to Mr. Pruyn; No. 2, Mr. Pruyn to the ministers of foreign affairs; No. 3, Mr. Pruyn to Mr. Neale.

Not having received any communication from the ministers of foreign affairs, I wrote to them the next morning a letter, a copy of which I transmit, (enclosure No. 4.)

In the afternoon of that day one of the governors of foreign affairs, the senior governor of Kanagawa, came to the legation, and, after saying that an officer had been directed the previous day to give me all the information in their possession, (which had not been done,) he assured me that the visit of one of the governors had been prevented by their engagements till near midnight in the necessary investigation of the affair. I called his attention to the necessity of energetic action; and that it would be of great advantage to the Japanese government to anticipate, as far as possible, any requirements of the British government. I assured him that I did not wish that any innocent person should suffer; and that it was a principle of law that it was better that the guilty should escape rather than that innocent persons should be punished. I asked whether any arrests had been made.

The governor then made the following statement: One of the Japanese guard had been suddenly seized with a kind of madness, and it was supposed he alone had been engaged in the attack. He had been found dead with a bullet in his

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body, and that he had committed suicide. That, as I was aware, a spear or lance had been found, and they hoped by that means to trace the other assailants, if more than one had been engaged.

I called his attention to the fact that the corporal had twenty wounds—some made with a sword, others with a lance; that it appeared to me, in view of the number of wounds inflicted, and the fact that some were in front and others in the back, that more than one person must have been engaged in the attack. That while it properly belonged to Colonel Neale to indicate what he should expect to be done to effect the arrest of all who had participated in or been privy to the outrage, my friendship for the Japanese government induced me to say that I had carefully examined the premises; that whether one or more were engaged in the attack, it was evident that no one could have escaped from the premises without directly passing by one of the guard-houses; and that, as the guard had been alarmed by the pistol-shot and noise, such escape could not have been effected without the knowledge of some of their number; that traces of blood could be seen leading to one of the guard-houses in a different direction from that taken by the deceased soldiers; that one of the Japanese guard had admitted he had seen the assassin—had claimed, as a ground of merit, that he had fought with and been wounded by him, and then had run to the guard-house to give the alarm. That it unfortunately happened that the guard-house was within sight and call of this guard and of the transaction; that his wound was a slight scratch on the back of his leg, sustained while he was running away; and that his flight had given an opportunity for the attack on the corporal, who was coming to his aid; and that if he had done his duty the life of the corporal would have been saved, and the assailant, if only one, killed or arrested. That it was idle to have any guard, unless it was perfectly understood that all would be held to a strict responsibility; that I would advise that a rigid examination be at once instituted; that every one guilty of cowardice or neglect of duty should be at once arrested, and when that was done I was of opinion that the government would be in possession of information which was now withheld by some of the guard.

The governor admitted the force of these suggestions, and said he was satisfied that there had been criminal negligence and great cowardice.

As Mr. de Wit, the consul general of the Netherlands, was in the city on a visit for a few weeks, I visited the British legation in his company on the receipt of Mr. Neale's letter, and there, very fortunately, found Monsieur de Bellecourt, the minister of his Imperial Majesty, who had come up from Yokohama to consult with his colleagues on another subject, not having heard of the attack.

We at once assured Mr. Neale of our sympathy, and of our disposition to view this affair as one in which our government had a deep interest. I informed Mr. Neale that I had addressed the ministers of foreign affairs immediately on the receipt of his letter, and briefly acquainted him with the contents of my letter. He expressed himself highly pleased.

It is the intention of Colonel Neale, as he informed me, to wait for the instructions of his government.

We then discussed the propriety of uniting in a letter to the ministers. I called their attention to a fact, which I had learned from Mr. de Wit the previous day, that in February the ministers had distinctly admitted that the ancient law of Japan, punishing with death any foreigner found within the empire, had never been repealed, and that this was, therefore, an invitation and provocation to these assaults. Monsieur de Bellecourt also remarked, that the ratification of the treaty with France used the language, "The Tycoon of Japan, in the empire of the Mikado;" that the ministers had admitted to him and Mr. Alcock that the treaties had never been ratified by the Mikado, while I was able to state that Mr. Harris had informed me that the ministers had declared that they had been ratified, except so far as related to Osacca. It was finally con-

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cluded that it was best to raise no questions which would imply a doubt as to the validity of the treaties, or any concern as to the existence of the law in question, and that the ministers of France and the Netherlands should individually address the ministers, as I had already done.

Nothing has yet transpired which enables me to inform you of the cause of the outrage.

On the night of the attack the American legation, about a mile distant, had a guard of two hundred and eighty-four Japanese officers and men, as appears from the return furnished at my request. The legation of the Netherlands, of which Mr. de Wit was the sole inmate, had also a Japanese guard. Although neither of these legations required so large a guard as the British legation, I am satisfied that the latter was the best protected of the three, even in the absence of the numerous attachés and the guard of fifty-four British officers and sailors armed with carbines and revolvers. If hostility to foreigners instigated the attack, it appears remarkable that it should have been made in this quarter. It therefore occurred to me that a quarrel between some of the British and Japanese guard might have occasioned it. Colonel Neale says he is not aware of any such provocation, though it was possible that offence may have been given by the presence of British soldiers and sailors.

I can only assign this motive: The attack took place, according to the Japanese computation of time, just one night after the anniversary of the attack in 1861, and it is possible that some one or more of the friends of the parties who lost their lives in that attack, or were subsequently punished for it, may have sought the gratification of their vengeance. And, as it was a holiday in some parts of Yedo, the joint stimulus of revenge and intoxication may have induced it.

As it is very probable that the President and yourself may be pleased to hear what I think of my own safety, I beg to remark, that my position cannot be said to be free from danger. Only a few days since one of the governors for foreign affairs informed me there was a decided improvement in the feeling of the people, and that it would not be long before every part of Japan might be visited with safety. Yet it cannot be disguised that all the officers of the western powers in Japan are sentinels in the outposts of civilization. It is here as with our own Indian tribes. The first notice of the attack is written in the blood which it causes to flow. The bolt comes out of an unclouded sky.

I think, however, that the fact that I never go armed, which is well known to the officers, and that I rely entirely upon the Japanese for protection, are favorable to my safety.

I can only add that I am extremely careful to avoid unnecessary exposure, and I indulge the hope that under the good providence of God our intercourse with Japan may continue unstained by blood.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

No 1.

Colonel Neale to Mr. Pruyn.

HER MAJESTY'S LEGATION,
Yedo, June 27, 1862.

SIR: It is with deep regret I have to inform you that this legation has passed through the ordeal of another murderous assault on the part of Japanese assassins. About midnight, last night, the sentry at my bed-room door was suddenly attacked and desperately

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wounded, his life being despaired of. The corporal, going the rounds at the same moment, was murderously assailed a short distance off, but he managed to reach my door, and there he fell and died. The British escort and guard from her Majesty's ship Renard being now mustered, remained under arms the rest of the night within my drawing-room. The number of the assailants cannot precisely be ascertained: possibly there was only one; but, to the unaccountable disgrace and utter want of vigilance of the Japanese guards, which the Japanese government has taken credit for having posted in such numbers for our protection, the assassin or assassins passed through their lines and effected the murderous acts I have described.

I shall necessarily address the Tycoon's ministers in terms suited to the gravity and intolerable atrocity of the event which has transpired, and shall do myself the honor of transmitting to you a copy of my remonstrance upon the occasion.

I have the honor to be, sir, your most obedient, humble servant,

E. ST. JOHN NEALE,

H. B. Majesty's Chargé d'Affaires and Acting Consul General in Japan.

Mr. Robert H. Pruyn, &c.,&c., *Japan*.

No. 2.

Mr. Pruyn to the ministers of foreign affairs.

Legation of the United States in Japan,
Yedo, June 27, 1862.

It is but a few days since I had the pleasure of congratulating the Japanese government and the British minister, by direction of the President of the United States, on the punishment of two more of the assailants on the British legation, in the month of July, 1861.

It is with astonishment and pain that I now learn from Lieut. Colonel Neale, her Britannic Majesty's chargé d'affaires, the particulars of another assault at midnight on the British legation, which has resulted in the death of two British soldiers, who lost their lives in his defence, at the very door of his bed-chamber. Either by the negligence or connivance of the numerous Japanese guards around the legation, the assailants passed through their lines to make the assault, and escaped unmolested.

The attack on the legation in 1861 had one redeeming feature: several of the Japanese guard on that occasion sealed with their blood their fidelity to their trust. I am sorry to learn from Colonel Neale that, on this occasion, no evidence either of fidelity or courage was given. The only guard known to be vigilant basely fled.

It must be expected that so great and powerful a country as Great Britain, distinguished for the high regard which, in common with the civilized powers of the world, it pays to the safety of the lives and property upon all who rely upon its protection, and especially to the sanctity thrown around all diplomatic representatives accredited to her Britannic Majesty, will view this transaction with grave displeasure, and demand signal and ample atonement.

The President of the United States, as the sincere friend of the Japanese government, will be deeply grieved when informed of this new outrage. In advance of the instructions which he may give me, I deem it proper to say, in presence of the serious case now presented, that whatever else may be done or required, the Japanese government should act with the utmost possible promptitude and vigor in the arrest and punishment of the guilty participators in this outrage, and all their aiders and abettors. The repetition of these attacks will degrade Japan in the opinion of the whole civilized world; and it is for the gov-

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ernment now to show whether it has the disposition and the power to save itself from the disgrace which will otherwise attach to the country.

With respect and courtesy,

ROBERT H. PRUYN,
Minister Resident of the United States of America in Japan.

Their Excellencies WAKISAKA NAKATSAKA NO TAYU,
MIDSUNO IDSUMI NO KAMI,
ITAKURA SUWO NO KAMI,
Ministers for Foreign Affairs, Yedo.

No. 3.

Mr. Pruyn to Colonel Neale.

LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, June 27, 1862.

SIR: I have the honor to acknowledge the receipt of your letter informing me of the attack made on your legation near midnight last night, which resulted in the death of a corporal of your guard, and the serious wounding of the sentinel at your door, of whose death I have since heard.

I sincerely congratulate you on your providential escape, and that no member of your legation has suffered bodily injury, as was the case in 1861, and sympathize with you, in your sorrow, for the loss of your brave defenders.

I view this fresh outrage with horror and indignation, and will unite with you and my colleagues in any representations which it may be thought best to make to the Japanese government, in advance of instructions from your own government to yourself, to bring the assailants to justice.

I have the honor to enclose you a copy of a letter which I conceived it to be my duty to address to the ministers of foreign affairs.

I have the honor to be, sir, your most obedient, humble servant,

ROBERT H. PRUYN,
Minister Resident, &c., &c., Japan.

Lieutenant Colonel E. ST. JOHN NEALE,
H. B. Majesty's Chargé d' Affaires, &c., Japan.

No. 4.

Mr. Pruyn to Japanese Ministers for Foreign Affairs.

LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, June 28, 1862.

More than a day has passed since the attack on the British legation, and yet I have had neither a written communication from your excellencies, nor a visit from one of the governors of foreign affairs, in relation thereto.

You will readily see that so great an outrage must have created great solicitude, as well as indignation, on the part of the representatives of the treaty powers. And this omission on your part I feel more bound to notice, as it is so different from your conduct in 1861, when, at an early hour of the succeeding day, you caused assurances to be given Mr. Harris of your regret at what had happened, and of your ability and disposition to protect the foreign ministers.

I can only hope that this omission, which I have now to regret, is occasioned neither by your indifference to the feelings of the other representatives, nor by your want of disposition or ability to protect them.

With respect and courtesy,

ROBERT H. PRUYN,
Minister, &c., &c., &c., Japan.

Their Excellencies WAKISAKA NAKATSAKA NO TAYU,
MIDSUNO IDSUMI NO KAMI,
ITAKURA SUWO NO KAMI,
Ministers, &c., &c., Yedo.

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Mr. Pruyn to Mr. Seward.

No. 35.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, July 2, 1862.

SIR: The Japanese government now send to this legation, four times each week, eight of their officers to be instructed in speaking the English language, pursuant to the arrangement stated in my despatch No. 25. In this number are included the two interpreters, next in rank to Morzama, the interpreter in chief, now with the embassy in Europe.

I cannot but regard this familiar intercourse with officials, through whom all foreign intercourse is and will be conducted, as highly calculated to insure a continuance of the good feeling now happily existing.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 36.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, July 2, 1862.

SIR: The teas of Japan are brought to market in a condition which forbids their export. At first they were sent to China to be refined and placed in suitable boxes. Then the necessary materials, such as lead, rosin, iron hoops, hooks, &c., &c., were imported, and the work done here. No duties were charged on these articles, nearly all of which were exported with the teas, until about a year ago, when a duty of twenty per cent. was demanded as for non-enumerated articles. It was claimed, on the other hand, that at the most five per cent. was chargeable. In this position the subject has continued till this time, British merchants, however, paying the duties to her Britannic Majesty's consul, who holds the money to await the final decision. I am informed by our consul that he thus holds a large amount of money, paid to him by American merchants.

The first importation of these articles made by an American since my arrival was by R. B. Smith, the agent of Messrs. A. A. Low Brothers, of New York; and our consul for nearly a month endeavored, but ineffectually, to procure, first, their entry free of duty; and failing that, their admission on payment of the duties to him, to abide the event.

He then brought the case to my notice, and I thereupon addressed two letters to the minister of foreign affairs, copies of which I enclose, (enclosures Nos. 1 and 2.)

One of the governors immediately waited on me, and I am happy to say that the articles were at once admitted on payment of duty to our consul.

I think I have succeeded in satisfying the ministry that no duties should be charged on such articles. But it is feared that their free admission may be made a precedent for claims for the admission of other non-enumerated articles.

I have therefore proposed that an additional or explanatory article of the treaty be agreed on, and though there is an evident unwillingness to make any change in the treaty, except to postpone the opening of other ports, I indulge the hope that in some way I shall succeed in finally settling this question, and also in procuring the assent of the government to the employment of Japanese

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sailors in American ships, which is exceedingly desirable, and which subject I have brought to the notice of the ministers.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

No. 76.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, June 20, 1862.

The United States consul at Kanagawa has called my attention to an application at the custom-house at that port to admit free of duty certain articles specified in such application, to be used by R. B. Smith, a merchant at said port, solely for preparing and packing tea for exportation.

As the free admission of articles used only for that purpose will greatly increase the sale of tea, and so benefit the government by increasing the amount paid on exportation, it appears unjust to the merchants to demand five per cent. duty, and that the government will, in the end, also sustain a loss.

While your excellencies are taking this subject into consideration, I have to ask that you will at once, and without any delay whatever, direct the officers at Kanagawa to admit the said articles on payment of the duties to the American consul at Kanagawa, to remain in his hands until the subject is decided by an agreement between your excellencies and the representatives of the treaty powers. This the custom-house authorities have refused to allow, to my great surprise, as I learn that the course proposed has been pursued by the British merchants and consul for more than a year past.

Your immediate attention is requested to this, as great injury is being done by this delay to Mr. Smith.

I shall be pleased to hear this day that the necessary orders have been given.

With respect and courtesy,

ROBT. H. PRUYN,
Minister Resident of the United States in Japan.

Their Excellencies the MINISTERS FOR FOREIGN AFFAIRS, *Yedo.*

No. 77.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, June 21, 1862.

I called your attention, yesterday, to articles imported by Mr. R. B. Smith, to be used solely for preparing tea for export, and which is claimed should be admitted free of duty.

I have, this morning, a letter from our consul at Kanagawa, stating that the officials at the custom-house there say that the reason why British merchants are allowed to take such articles on payment of the duties to the British consul, was because he made "threats, while they expected better things from the Americans."

You will see the necessity of putting our citizens on the same footing as British merchants. I must insist on this. If I am unable, by appeals to your justice, to get what is right, how can I satisfy the reasonable expectations of our merchants, whose interests I am bound to protect?

I have written several letters to you, to which I have received no reply. I wish attention given first and at once to this matter. I shall be compelled to

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ask that Mr. Smith be indemnified for the loss he has sustained by the refusal to place him on the same footing as British merchants are placed.

With respect and courtesy,

ROBT. H. PRUYN,
Minister Resident of the United States in Japan.

Their Excellencies the MINISTERS FOR FOREIGN AFFAIRS, *Yedo.*

Mr. Pruyn to Mr. Seward.

No. 37.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, July 8, 1862.

SIR: I have the honor to transmit a translation of the reply of the ministers of foreign affairs to my letter in relation to the murder of two of the guards at the British legation, (enclosure No. 1.)

I have no doubt that it is written in sincerity, and that the government feels deeply pained at the occurrence.

I regret to say that many idle rumors are constantly agitating the foreign residents at Yokohama, many of whom are too ready to believe everything to the prejudice of the Japanese.

For my part, I am amazed, when I consider that two centuries of isolation have moulded the customs and opinions of this people, that there is so much freedom of intercourse and so little appearance of hostility.

That many powerful daimios continue opposed to foreign trade is not questioned. The party in favor of the old customs and laws may, indeed, be more powerful than the party of progress. With time the latter will triumph. Meanwhile the government, I think, have accepted the present condition of things as a political necessity. It is sustained by a large body of daimios, and by the entire mercantile class, which is destined to rise in importance and power, and the masses of the people are unmistakably and decidedly friendly.

Some of my colleagues apprehend that the policy of the unfriendly daimios is to elevate the Micado at the expense of the Tycoon, and thus arouse the prejudices and the political and religious intolerance of the people, and array them against the government of the Tycoon.

An ambassador of the Mikado to the Tycoon is now at Yedo. Of this I have been informed by the government, but the effect of this mission has not been disclosed.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBT. H. PRUYN,
Minister Resident in Japan.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

We received your letter, No. 84, dated the 27th June, 1802, and fully understood all you stated in relation to the accident that happened at the English legation.

As for your communication that the repetition of such an accident will lower us in the opinion of the civilized world, we are aware of this; but this accident proceeded from the unsettled state of the national feeling, owing to our people, as has often been communicated to your excellency, being fond of the ancient custom. We hope to regulate this national feeling gradually, however, and change it so as to remove the apprehension of the foreigners.

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But it is a shame to us that the present accident is owing to one of the subjects of the Prince charged with the protection, although the perpetrator already committed suicide. Yet it is quite true that he was very criminal, and we shall sentence to suitable punishment for neglect of duty the officers who were there for protection.

While we were recently enabled to punish two more of the persons engaged in the attack on the British legation in the 5th month of last year, (July, 1861,) as you stated to us, which made us feel somewhat easier, this accident again took place, for which our regret is a hundred times deeper than that of your excellency.

We have given strict orders to increase the protection, and have taken strict measures therefor. It is therefore desirable that you will take our feelings into due consideration. Which we have to state in reply to your letter, with respect and esteem.

The 6th day of the 6th month of the 2d year of Bunkin, (the 2d July, 1862.)

WAKISAKA NAKATSAKA NO TAYU.
MIDSUNO YDSUMI NO KAMI.
ITAKURA SUWO NO KAMI.

His Excellency ROBERT H. PRUYN,
Minister Resident of the United States of America, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 38.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, July 15, 1862.

SIR: I regret to be obliged to inform you that Colonel Neale, her Britannic Majesty's chargé d'affaires, has withdrawn from Yedo to reside at Yokohama.

The British guard from the military train had been strengthened by a large force of marines and sailors from the Reynard.

On the arrival of the steam sloop Pearl, Captain Bortall, of the latter vessel, then the senior officer, declined landing an additional force, or to leave more than twenty men when those vessels left, which was the order of the admiral before the late attack. Under these circumstances, Colonel Neale informs me he considered it his duty to leave, as the guard was insufficient.

As soon as Mr. de Witt, the consul-general of the Netherlands, returns to Nagasaki, I will be again the only minister resident in Yedo.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pruyn.

No. 13.] DEPARTMENT OF STATE,
Washington, August 7, 1862.

SIR: Your despatches Nos. 16 to 21, inclusive, and those of your predecessor, numbered 13, 14, and 15, and one without number dated May 6, have been received.

The account you give of your flattering reception, as the successor of Mr. Harris, is very gratifying, and tends to confirm the impression that the friendly

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relations between the government of Japan and that of the United States are in no danger of being disturbed.

I enclose herewith a sealed communication addressed to their excellencies the ministers for foreign affairs of the empire of Japan, a transcript of which, for your information, is also herewith transmitted. The original you will deliver in such manner as you may deem most proper.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., Yedo.*

Mr. Pruyn to Mr. Seward.

No. 41.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, August 27, 1862.

SIR: Referring to your despatch No. 18, in reference to the postponement of the exercise of the right of American citizens to reside in Yedo, and of the opening of the harbors of Nee-e-Gata and Miogo, and the city of Osacca, I find that discretionary power is given to the American minister to "act in concert with the ministers of the other powers in such manner as shall be most advisable for the welfare of both countries."

Since that time an embassy has left this country for Europe, and the subject in question is not to be disposed of by the ministers of Great Britain and France in Japan, but directly by their governments.

I have learned from the minister of France that he has been advised that his government is indisposed to grant such extension unless concessions are made, which the embassadors were not authorized to grant.

Lieutenant Colonel Neale, her Britannic Majesty's chargé d'affaires, has written me a letter giving information:

"The mail of the 10th of June brought me instructions to communicate to the Japanese ministers the decision which the British government had come to in conference with the envoys respecting the ports and cities which were to have been opened by treaty." The decision is to the effect that the British government consent to defer the opening of these ports for five years, dating from January 1, 1863, the conditions being that the Japanese government will scrupulously carry into effect all the other stipulations of the treaty. The envoys wished to discuss with Lord Russell some minor matters, as the "currency question; the burial of the dead in other places than at the open ports; the visits of men-of-war at the ports; the examination of Japanese servants in foreign employ by the town authorities, &c., &c.; all of which they were told should be discussed here on the spot by her Majesty's representatives, and the decisions referred home."

I have endeavored to procure the opinion of the American merchants as to the propriety of this postponement, and to form my own conclusions from other information, and my own observation.

I feel confident it would be unwise to accept of the opening of Yedo, even if offered. The merchants do not desire it. It would increase their expenses, and add nothing to their business. Establishments would necessarily be sustained here and at Yokohama, and no additional business done, while seamen could not visit the city without danger of collision with some of its population.

There is a lingering wish for the opening of Osacca, even in the minds of those who doubt its being advantageous. The most wealthy merchants reside there, and it would be important to transact business with them directly, instead of with irresponsible agents at Yokohama. Yet, after all, the business of Japan

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must have a gradual development, and its volume could not now be much increased. A large business would be done there, but it would in a great measure be at the expense of the business of the other ports, and for a while heavy loss would accrue by the depreciation of property at those ports.

If it shall be found that Great Britain and France have consented to such postponement, it appears to me no course is left but to unite in such assent. But I shall strive to procure from the government the grant of a bonded warehouse system, and to open the island of Tsusima, for reasons which I will give in another despatch.

Should you desire to send me other or further instructions, I beg to suggest that they may reach me in sufficient time if sent by telegraph to San Francisco, and thence by vessel direct, or *via* Shanghai.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 45.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, September 1, 1862.

SIR: Agreeably to your instructions I immediately forwarded to the ministers of foreign affairs the short sword recovered in Baltimore, which had been taken from one of the attendants of the Japanese embassy during their visit to that city, accompanying it with a letter, of which I enclose copy, (enclosure No. 1,) and I have now the honor to transmit No. 2, translation of the reply of the ministers.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

No. 71.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, June 6, 1862.

While the embassadors from Japan to the United States were in the city of Baltimore, in June, 1860, a small sword belonging to one of their attendants was lost or stolen.

In the month of November last it was recovered by the deputy marshal of the police of Baltimore, and I now have the pleasure to ask permission to return it to the owner through your excellencies.

The laws of the United States are framed more with reference to the certainty of the detection and punishment of crime, than to severity in the mode or extent of the punishment. The guilty may escape for a season, but the ends of justice seldom fail of accomplishment; and the vigilance of the authorities is never relaxed, when an offence has been committed, until the offender has been arrested, tried and punished. This is occasioned by our abhorrence of crime, and for the vindication of the laws and of the government, which would otherwise cease to be respected; and when this happens, they fail of the purpose for which they were created.

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When fraud or violence has been committed on a citizen of a friendly power, then another motive is superadded—the sacred law of hospitality has been violated, and that must be vindicated equally with the law of the land.

With respect and esteem,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

Their Excellencies WAKISAKA NAKATSAKA NO TAYU,
MIDSUNO IDSUMI NO KAMI,
ITAKURA SUWO NO KAMI,
Ministers of Foreign Affairs, &c., &c., &c., Yedo.

We received your letters, Nos. 71 and 73, dated the 6th of June, and understood that a short sword, which was stolen when our embassy was in the United States, from one of their attendants, having been recovered, is hereby returned, and we now tender our thanks for the trouble taken in regard to this friendly arrangement.

It was also stated that his Majesty the President had learned with pleasure that two more of the criminals engaged in the attack on the British legation had been punished, which we immediately reported to his Majesty the Tycoon.

Stated in reply to these two letters, with respect and esteem.

The 7th day of the 6th month of the 2d year of Bunkin, (the 3d July, 1862.)

WAKISAKA NAKATSAKA NO TAYU.
MIDSUNO IDSUMI NO KAMI.
ITAKURA SUWO NO KAMI.

His Excellency ROBERT H. PRUYN,
Minister Resident of the United States of America, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 47.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, September 10, 1862.

SIR: I have the honor to transmit herewith No. 1, translation of a letter received from the ministers of foreign affairs, informing me of the result of the investigations instituted into the recent attack at the British legation, and the punishment inflicted on those judged derelict of duty; and No. 2, translation of the document accompanying that letter.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

We have to state to your excellency that we sufficiently examined those who had any relations with Ito Gunbe, who, in the 5th month of this year, slipped into the temporary residence of the British envoy and was wounded while killing two British sentries, but no accomplices were found.

If this criminal were still alive he would be sentenced to death; but having committed suicide already, we ordered his remains to be destroyed, and those who had any relations with him to be sentenced to suitable punishments.

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Having stated the foregoing to the chargé d'affaires and consul-general of Great Britain, transmitting three documents relating to the sentries in this case, we now enclose copies thereof to your excellency for your information.

With respect and esteem. The 6th day of the 8th month of the 2d year of Bunkin, (the 29th August, 1862.)

WAKISAKA NAKATSAKA NO TAYU.
MIDSUNO IDSUMI NO KAMI.
ITAKURA SUWO NO KAMI.

His Excelleney ROBERT H. PRUYN,
Minister Resident of the United States, &c., &c., &c.

No. 1.

When Matsudaira Gamba No Kami was charged with the protection of the temporary residence of the British envoy at To-sen-ji, his subordinate officer, Ito Gunbe, slipped in and murdered British subjects; and besides, other officers, also subordinates of Gamba No Kami, who had been placed there for protection, were unable to arrest the said Gunbe; this was caused by imperfect instructions to his subordinates. For this neglect he was reprimanded, and having requested to be put under arrest, he is now under arrest in compliance with his request.

No. 2.

Mizake Onotaro, of his Majesty's body-guard, charged with the protection of the foreigner.—(To be under arrest during fifty days.)

This officer, being at his post near the temporary residence of the British envoy at To-sen-ji, fought with the criminal, knocking the spear out of his hands after he had slipped in, he (Onotaro) being wounded in consequence, but not so seriously as to prevent his action; although the light in his lantern had gone out and it was dark, yet he ought to have used all his efforts against the pressing danger, but, leaving his post, he went to the guard-house of Mihari-izo, crying out, and then lighting the candle of his lantern he came back to the place where he had been stationed, thus giving, in the mean time, the criminal a chance to effect his escape; wherefore, he has been sentenced to punishment as above stated.

Nagai Salutaro, of his Majesty's guard, charged with the protection of the foreigner.—(Arrest during thirty days.)

This officer, stationed in front of the officer's room of the temporary residence of the British envoy at To-sen-ji, heard some one cry out near the garden, and also the report of a fire-arm; he (Salutaro) then went to the veranda to see if there was any criminal, but, owing to the darkness of the night, he could see nothing; although the occurrence was not at his post, yet he should have noticed that on the spot which he ought to have seen something criminal was taking place, and he did not go there quickly; wherefore, he is sentenced to punishment as above stated.

No. 3.

Karasarra So, izo o Karrada Dsibuongemon, subordinate officers of Matsudaira Gamba No Kami, (arrest during fifty days;) and Watanbe Doyemon Ga Kaji Dsirotaro, (arrest during thirty days.)

These four persons were at the Mihari bargo, (guard-house,) but they did not know that Ito Gunbe, having on that night a spear and a lantern with the marks of their master in his hands, and also disguising himself as if he were a relief for some station, came to that part of the grounds which was under their supervision, murdered and wounded the British

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and escaped during the confusion; wherefore, they are sentenced to punishment as above stated.

NOTE.—Ga Kaji Dsirotaro was sick and died.

Massakitshi, servant of Gamba No Kami, (severe reprimand;) was sick and died.

This person was also at the Mihari guard-house, but he knew nothing of the occurrence at the time; wherefore, he is sentenced to punishment as above stated.

Saigo Moriye and Jomonari Kakugemon, subordinate officers of Gamba No Kami.—(Arrest during thirty days.)

These two persons were at the rendezvous at To-sen-ji on that night, and did not know that Ito Gunbe committed the evil deed, as they neglected to go to their post; wherefore, they are sentenced to punishment as above stated.

Dsensabo, servant of Gamba No Kami.—(Arrest during thirty days.)

This man was in the servants' room of the place of protection, when some one, having the lantern of his master in his hands and a garment with the proper mark on his person, came to him and asked "What is the password to-night?" saying he had forgotten it; and inadvertently he had replied, "It is Tama," thinking him to be one of the officers on duty; in consequence of this, the person approached the British with the password, wounded and killed them; wherefore, he is sentenced to punishment as above stated.

Toyojo, gate-keeper at the guard-house near the residence of the priests of the temple of Koöyasan.—(Severe reprimand.)

Through the gate, when this person was on duty, Ito Gunbe went out, but he did not know it; wherefore, he is sentenced to punishment as above stated.

O Kamara Kandzo, GaKahari GoKidzazemon, and Sinza Enoske, subordinate officers of Gamba No Kami.—(Arrest during fifty days.)

To these three persons, who always lived together with Ito Gunbe, at their master's residence, he communicated that he had assassinated the foreigners, and came back, as he had received a wound himself from a fire weapon; this they reported to the proper person keeping watch over him, (Gunbe.) This being the case, they should have watched him properly; but thinking that he was asleep, they left him to himself, (let him go free;) he was thus enabled to commit suicide; and, besides, they prevaricated; wherefore, they have been sentenced to punishment as above stated.

Goyosima Hiroyemon, subordinate officer of Gamba No Kami.—(Arrest during fifty days.)

This officer immediately ordered those who had always lived together with Ito Gunbe, and informed him that Gunbe had wounded and murdered the foreigners, received a wound himself, and had come back, to watch him, but he (Hiroyemon) left unnoticed the neglect of the guard, through which neglect Gunbe was enabled to commit suicide; and, moreover, he, (Hiroyemon,) from the beginning, has been shuffling; wherefore, he is sentenced to punishment as above stated.

Matakitchi, servant of Gamba No Kami.—(Arrest during thirty days.)

This person, on seeing the corpse of Ito Gunbe, and during the examination, spoke that was wrong; wherefore, he is sentenced to punishment as above stated.

Osana Orisiro and Inoze Kadsuzemon, gate-keepers and soldiers of Gamba No Kami.

These two were on duty in the guard-house near Gamba No Kami's residence, and, without saying anything, allowed Ito Gunbe to come in, and after he received the wound, to go back and through the gate, which was not in accordance with their duty as gate-keepers; wherefore, Matsadaira Gamba No Kami has been instructed to sentence them to suitable punishment.

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Mr. Seward to Mr. Pruyn.

No. 14.] DEPARTMENT OF STATE,
Washington, September 15, 1862.

SIR: Your despatches Nos. 23 and 24, both dated June 9, have been received.

It is very gratifying to know that the most cordial relations exist between yourself and the ministers of Great Britain and France and Japan; and I have directed copies of your No. 24, which conveys this agreeable intelligence, to be communicated to our ministers at London and Paris.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yedo.*

Mr. Pruyn to Mr. Seward.

No. 50.] LEGATION OF THE UNITED STATES IN JAPAN,
Kanawaga, September 18, 1862.

SIR: It becomes my painful duty to inform you of another outrage by Japanese, resulting in the death of a subject of her Britannic Majesty and the fearful wounding of two others.

On the 15th instant, about 3 o'clock p. m., Mr. Marshall, a merchant of Yokohama, Mr. Clarke, in the employ of the American house of Augustine Heard & Co., Mr. Richardson, of Hong Kong, on a visit to Japan, and Mrs. Bonadaile, were riding on the Iakaido, or public highway, within the treaty limits. They were entirely unarmed. When about three miles from this place, they met the train of the karo (secretary) of the Prince of Satsuma, consisting of several hundred armed retainers. They drew off quietly on the side of the road, occupying only such small portion as was needed, moving in single file, and proceeded without molestation until they had reached nearly the centre of the train, where, in pursuance of orders given by the secretary, who is said to be a relative of the Prince, they were surrounded by his followers and fiercely assaulted.

Mrs. Bonadaile fortunately escaped, by the aid of the gentlemen with her, without injury. Yet, as large locks of hair were cut from her head, it is evident that her sex afforded no protection from the assault of these cowardly assassins. Mr. Richardson was most frightfully wounded, and after having ridden more than a mile in this condition, fell from his horse and crawled to the side of the road. Here, while piteously begging for water, he was repeatedly thrust through with spears and cut with swords, his neck being nearly cut through.

Messrs. Clarke and Marshall were severely wounded, but found refuge in the American consulate at this place, where they were immediately attended by Dr. Hepburn, of the Presbyterian mission.

To this opportune refuge and this immediate medical assistance they owe their lives. They fainted on their arrival, and could not have survived had they been obliged to continue their flight through this train to the point where the road diverges to Yokohama, and thence to that place.

On the arrival of myself and our consul in Japan, Colonel Fisher took possession of the building in this place formerly occupied by the American consul, and refused to reside in the premises provided at Yokohama, as unsuitable, insufficient, and unhealthy. The other consuls, having been better accommodated, had all removed to Yokohama. In this determination I sustained him. A refuge was thus at hand for these gentlemen, and I rejoice in the action which secured it.

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It is with pleasure I state that an American boy, of only fourteen years of age, Frank Schoyer, walked through these Satsuma men more than a quarter of a mile to the residence of Dr. Hepburn, and thus secured his prompt attendance on the wounded.

On the arrival of Messrs. Marshall and Clarke at the consulate, our flag was hoisted union down, as a signal to the men-of-war in port; and our consul requested Mr. J. O. P. Stearns, an American citizen, casually there, and Mr. Ayton Mann, one of his household, to inform the British and French ministers at Yokahama of the occurrence.

On the return of Mr. Stearns to the consulate, with Dr. Jenkins, of the British legation, swords were drawn on them by some of the same band, who were only kept off by the determined attitude of Mr. Stearns, who proceeded through their ranks with revolver ready for use.

Captain Büys, of the Netherlands steam corvette Vice-Admiral Koopman, was at the same time warned off the Iokaidoi while proceeding to the American consulate by an officer having the hand on his sword. Captain Büys offered to place a guard of marines at the consulate for its protection, which courtesy I felt it my duty to acknowledge. I enclose No. 1, Mr. Pruyn to Mr. de Wit.

It is with great pleasure that I am enabled to make known to the President the considerate courtesy of his excellency Monsieur Duchesne de Bellecourt, his Imperial Majesty's minister plenipotentiary. On being informed of the affair, he at once went with a portion of his guard to the residence of the American consul, distant nearly four miles from the foreign residences at Yokohama, and caused a body of marines to be landed for its protection. Within a short distance from the consulate a mounted Japanese made a demonstration of attack, but his sword was only half drawn, when the sergeant of that guard knocked him off his horse, and at the same moment another Japanese, at a still shorter distance from the consulate, for similar cause, was fired at with revolvers, wounding him slightly in the leg.

As the consul thought it unnecessary that the guard should remain during the night, he was kindly furnished with rockets, to be used if necessary, and arrangements were made to respond to his signals for assistance.

I felt it my duty to acknowledge this courtesy. (Enclosure No. 2.)

No provocation was given. As it is customary, however, when a man of high rank passes with his train, for others to dismount and to pay other marks of respect, it is probable that the non-compliance with this Japanese custom may have been regarded by the secretary of Satsuma as an insult, or, what is still more probable, been taken advantage of to justify the outrage on the principles of Japanese law.

I received the first intelligence of this calamitous affair at Yedo, at about 8 p. m., by means of a few hurried lines from Eugene Van Reed, an American citizen, who was on the Iokaido some distance beyond the scene of its occurrence. He fortunately understands the Japanese language, and is popular with the people, and owing to the warnings of some of them he was able to reach Yokohama by boat. Shortly after a more detailed and accurate statement from our consul reached me from Kanagawa. I immediately despatched the letter to J. K. de Wit, esq., the consul-general of the Netherlands. Mr. de Wit came to the legation early on the morning of the 16th.

We demanded an interview with the ministers of foreign affairs at 11 o'clock of the same day. One of the governors was sent to the legation with a message that the ministers were so busily engaged that it was impossible to see us, and, further, that no interview had ever been granted under such circumstances. It had always been usual to agree upon interviews several days in advance. In short, the difficulty appeared to be that it did not comport with the dignity of the Japanese government to have an interview thus in a measure forced on it. We then insisted he should return at once to the ministers and say we intended

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to go to Yokohama the next day to meet our colleagues; that we were advised that great excitement naturally existed there; that we desired the interview as the friends of the Japanese government, and for its sake; that if the ministers would receive us that afternoon, well; if not, the consequences would rest with them.

The governor wished to continue the conversation, but Mr. de Wit and myself withdrew from the room, and refused to converse longer on the subject.

The governor said, as we were retiring, that he had some business with me. I replied that if the ministers had more important business than that which affected the lives of American and other citizens, I had not, and I declined to transact any business with the Japanese government whatever while the question as to the interview was undecided. Mr. Portman followed me to my office and informed me that the governor was much distressed, and said that he did not dare return without giving his message, as it would involve serious consequences to himself. I authorized Mr. Portman to receive his message, which he accordingly did. It was to the effect that a governor of foreign affairs had been despatched to Kanagawa, and that a guard would hereafter be maintained at the residence of the American consul at that place. This had before been refused, probably with a view of forcing all foreigners from Kanagawa, as the request to leave it was invariably enforced by the representation that it was not safe to reside there.

The message was in reply to a letter that day addressed to the ministers, of which I transmit a copy. (Enclosure No. 3.)

At one o'clock we received notice that the ministers would receive us at three o'clock p. m. at the residence of the third minister.

At that hour Mr. de Wit and myself arrived at the place of meeting, and were received by the second and third ministers (the first minister being very sick) and by two assistant ministers.

We commenced by informing them that what was said on that occasion must be understood as coming from the ministers of the United States and of the Netherlands jointly—that both these powers were known to be and had always been the friends of Japan, and that it was for that reason we had considered the present interview important. That in the outset we wished to inform their excellencies that it was customary for the ministers of foreign affairs of the United States, and of all the countries of Europe, to see the ministers accredited to their respective governments, on an emergency, even without notice; and we wished this distinctly understood, as we might have occasion to ask for an interview, even with less ceremony than on the present occasion.

I then proceeded to read a brief statement of the occurrences of the 15th; the attack on Mr. Marshall's party; the offensive attitude assumed to Mr. Stearns, to Captain Büys, and the offensive demonstration towards the French guard. I called the attention of the ministers to the fact that no provocation had been given, and that there appeared to be an indiscriminate hostility to foreigners, and then asked what information the ministers had received in relation thereto. They replied that they had only received a report of the attack on the party of Englishmen and the death of one of their number, but that no time had been afforded for details to be given. We then asked what had been done towards the arrest of the offenders. They replied they were investigating the affair. We represented that it was proper they should at once arrest the chief personages of the party, before they escaped to the Prince of Satsuma's dominions, that otherwise the government might be obliged, as on former occasions, to say they could not find the parties, and that such excuse would not be admissible now. They replied they did not know who were the offenders. We gave them notice that we had reliable information that the orders for the attack had been given by the secretary of the prince, and required his arrest.

The ministers finally were forced to say that this could not be done; that

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they could not arrest so important an officer of the Prince of Satsuma; that if, after investigation, they were satisfied of his guilt, they would require him to be arrested by that prince, and that he would thereupon deliver him to the government. We informed the ministers that our letters represented that much feeling existed at Yokohama, and that we feared that if an impression should go forth that this man would escape punishment, that the Tokaido would be seized. Our letters show that this had been proposed, in view of the passage over it, the next day, of the ambassador of the Mikado. They hoped this would not be done, as it would add to the complication. We then asked whether they would authorize us to assure our colleagues that the guilty parties would be punished, whatever their position, and that they would act promptly and vigorously. This they authorized us to do.

Our interview terminated, after the exchange of the usual civilities, with the expression of the hope that Mr. de Wit and myself would use our influence to prevent their seizure of the Tokaido, or any other hostile act.

Mr. de Wit and myself left Yedo early the next morning, to remain here a few days. He is now at the consulate of the Netherlands, and I am a guest of Mr. Fisher, at Kanagawa. A meeting of the foreign ministers is to be held this day; but the mail will close before I can advise you of its results. It is with difficulty I can find time to prepare this hurried despatch.

There are now four British men-of-war, under the command of Admiral Kuper, three French and one Dutch men-of-war, in this port. Considering it very desirable that our flag shall shortly be seen in these waters, I have taken the liberty to write to Captain McDougall, of the Wyoming, at Hong Kong and Shanghai, requesting him to visit this port as soon as he can do so consistently with his orders and the public interests committed to his charge.

I return to Yedo to-morrow.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

No. 113.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, September 16, 1862.

SIR: I have the honor to thank you most cordially for the very friendly and prompt manner in which Captain Büys, in command of his Netherland Majesty's steamer Vice-Admiral Koopman, offered to place a guard of marines at the American consulate at Kanagawa for its protection on the 15th instant, when the desperate acts of Japanese assassins on that day rendered such protection eminently desirable, and to request you to convey my sincere thanks to that distinguished officer.

It will be my duty, as well as great pleasure, to make known to the President of the United States this friendly action, which cannot fail to cement more closely the friendship which has so uninterruptedly marked the relations between the Netherlands and the United States.

I have the honor to be, sir, your obedient servant,

ROBERT H. PRUYN,
Minister Resident of the United States of America in Japan.

S. K. DE WIT, Esq.,
His Netherland Majesty's Consul General, &c., &c., &c., in Japan.

No. 112.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, September 16, 1862.

SIR: I have the honor to convey to your excellency my profound thanks for the very friendly and prompt manner in which you proceeded with your guard to the American consulate at Kanagawa on the 15th instant for its protection, while it had the good fortune

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to afford a refuge to Messrs. Clarke and Marshall, two subjects of her Britannic Majesty, who were desperately wounded by Japanese assassins on that day; also, for your offer to furnish the American consul with a guard to remain at his residence, and for the excellent arrangements you caused to be made for the landing of marines from the French men-of-war in that port for his protection in case of necessity, and to beg you will also convey my thanks to the naval officers of his Imperial Majesty for their courtesies on that occasion.

It will be my duty, as well as a great pleasure, to make known your friendly action to the President of the United States.

Such courtesies cannot fail to cement more closely the friendship which has so uninterruptedly marked the relations of France and the United States, and which have never been more warmly reciprocated than during the reign of his Imperial Majesty.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

I have the honor to be, sir, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident of the United States of America in Japan.

His Excellency DUCHESNE DE BELLECOURT,
Minister Plenipotentiary of France, &c., &c., &c., in Japan.

No. 110.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, September 15, 1862.

I most respectfully insist that you shall, without any delay, place a suitable guard at the residence of the American consul at Kanagawa, and that this very night one shall be placed there.

And I now give you notice, that if this be neglected the Japanese government will be held responsible for any accident which may happen by reason thereof.

With respect and esteem,

ROBERT H. PRUYN,
Minister Resident of the United States of America in Japan.

The MINISTERS OF FOREIGN AFFAIRS, *&c., Japan.*

Mr. Seward to Mr. Pruyn.

No. 19.] DEPARTMENT OF STATE,
Washington, September 25, 1862.

SIR: Your very interesting despatch of May 26 (No. 22) has been received. It is to be hoped that the change in the department of foreign affairs which has been made by his Majesty will be followed by no departure from the enlightened policy towards the western powers which was pursued while Ando Tsusima No Kami was connected with that department.

The President learns with sincere pleasure that your relations with the government are cordial and satisfactory.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yedo.*

Mr. Seward to Mr. Pruyn.

No. 20.] DEPARTMENT OF STATE,
Washington, September 25, 1862.

SIR: Your despatch of June 21 (No. 25) has been received, Your acceptance of Japanese pupils at the legation, for the purpose of instructing them in

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the English language, in compliance with the request of the imperial government, is an act of great and discerning liberality. It may reasonably be expected that, besides promoting immediately the convenience of diplomatic intercourse, it may have ulterior results beneficial to both countries. The loyal and patriotic spirit manifested on the occasion by the young gentlemen attached to the legation is worthy of especial praise.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., *Yedo.*

Mr. Seward to Mr. Pruyn.

No. 21.] DEPARTMENT OF STATE,
Washington, September 25, 1862.

SIR: Your despatch of July 15 (No. 38) has been received. Left in Yedo without diplomatic associates at that capital, your position will be more critical, and your embarrassments will be increased. It is earnestly hoped, however, that you may pass safely through all dangers, and be able not only to protect the interests of our country, but also to advance the cause of civilization in the Japanese empire.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., *Yedo.*

Mr. Seward to Mr. Pruyn.

No. 22.] DEPARTMENT OF STATE,
Washington, September 25, 1862.

SIR: Your despatch of July 2 (No. 35) has been submitted to the President. It is sincerely hoped that the increasing intimacy between the Tycoon's government and our legation in Yedo may be productive of the benefits you so properly desire.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., *Yedo.*

Mr. Seward to Mr. Pruyn.

No. 24.] DEPARTMENT OF STATE,
Washington, September 25, 1862.

SIR: Your despatch of June 30 (No 31) has been received.

The President has received with profound emotion the information that some unknown Japanese subjects have assassinated two British marines, stationed at her Majesty's legation for the protection of the minister.

Earnestly desirous that, on all such occasions, you shall be found using your best exertions to secure the safety of the representatives of other treaty powers, and their protection in all their national rights, the President has directed me to examine carefully the record you have sent, and to report to him whether, in

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this instance, there had been any delinquency on your part. It is with great pleasure that, upon receiving my report, he has been satisfied that your proceedings have been, in all respects, the best that could have been adopted to cooperate with and sustain the British legation, and to bring the government of the Tycoon to a just sense of the gravity of this new outrage, and of the danger which it brings to the empire. You will persevere in the same course of proceedings hereafter, and you will especially inform the ministers for foreign affairs that, while the United States will hereafter, as heretofore, prove themselves a generous friend, yet that the safety of all representatives, citizens and subjects, of all the treaty powers, must and will be insisted upon, as an indispensable condition of the continuance of the relations between this country and Japan, which have been so happily established.

The discretion with which your own personal deportment seems to be regulated is approved, and I pray God for your continued safety and usefulness in the important mission with which you are charged.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., *Yedo.*

Mr. Seward to Mr. Pruyn.

No. 25.] DEPARTMENT OF STATE,
Washington, September 29, 1862.

SIR: Your despatch of July 8 (No. 37) has been submitted to the President. He has derived much satisfaction from the reply of the ministers for foreign affairs to the letters which you had addressed to them concerning assassinations at the British embassy. Entertaining no doubt of the sincerity of the explanations contained in that reply, he earnestly hopes that the government of the Tycoon may practice such diligence, in bringing all persons connected with the transaction to condign punishment, as will give assurance to the British government, and to the other treaty powers, that the rights and safety of foreigners in Japan will hereafter be inviolably protected.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., *Yedo.*

Mr. Seward to Mr. Pruyn.

No. 26.] DEPARTMENT OF STATE,
Washington, December 2, 1862.

SIR: Your despatch of August 27 (No. 41) has been received. It brings your views upon the question of postponing the stipulated opening of additional ports in Japan.

Upon a due consideration of them they are approved, and you will act in accordance with them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., *Yedo.*

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Mr. Seward to Mr. Pruyn.

No. 29.] DEPARTMENT OF STATE,
Washington, December 13, 1862.

SIR: Your despatch of September 18 (No. 50) has been submitted to the President.

The tragical transaction which it relates has made a very painful impression upon this government, as doubtless it has also made upon the government of Great Britain and the other western maritime powers. Your own proceedings in the matter are approved, and it is hoped that the Japanese authorities have seen it to be their duty to bring the offenders to punishment, and to make reparation, so far as was possible, without delay. You cannot too strongly advise the government of Japan that it can only have friendship, or even peace with the United States, by protecting citizens and subjects of foreign powers from domestic violence.

I have communicated to the Secretary of the Navy so much of your despatch as relates to the desirableness of a visit from an American war vessel in the waters of Japan.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, *&c., &c., Yedo.*

Mr. Pruyn to Mr. Seward.

No. 63.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, December 16, 1862.

SIR: I regret to have to announce the total loss of the American bark Cheralie, of New York, on the east coast of Japan, in the province of Hitata. There are special circumstances connected with this disaster which afford great cause for thankfulness. The officers and crew were not only saved, but treated with humanity and kindness by the officers and people of the province. Nothing which could be done was left undone to display good will; even a flagstaff was erected by the Japanese at the temple appropriated for the use of the crew, from which to display our national flag.

Intelligence of the disaster was sent to this city overland, and the Japanese ministers immediately placed at my disposal the steamship-of-war Tshoyo Maro, which carried to the scene of the wreck our consul at Kanagawa, our marshal, and an American pilot.

I have the honor to transmit, enclosure No. 1, copy of the report of the American consul, which gives in detail an account of the shipwreck and of the friendly offices of the Japanese; also a copy of my letter of thanks to the ministers of foreign affairs, enclosure No. 2.

Shortly after the departure of the Japanese ship-of-war, I received from the French minister the kind proffer of the services of the steamer Duplex. His official letter, which shows that this offer was occasioned by apprehension that our officers and seamen were in danger, was accompanied by a private letter, which exhibited that feeling more transparently.

As he stated in that letter, he heard the Japanese express the fear that the wrecked foreigners would be badly received by the population on the spot, and therefore had taken some military measures and precautions. I had no information which led me to doubt the good feeling of the population of the locality, or that any military precautions had been taken by the government; nor had I any reason to distrust the disposition or ability of the government to extend all needful assistance and protection. Still, as the weather was stormy and threat-

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ening, I would have accepted this offer had I not feared that it would be regarded by the Japanese government as an evidence of distrust. And further, while I had no apprehension that the presence of the Duplex would provoke any hostility, I was satisfied that if her captain went there under the influence of the fears and reflecting the views of his minister, complications might arise, for which I did not wish to be responsible. I felt it to be my duty, therefore, to decline the offer.

To insure at the same time the safety of the Americans who were wrecked and who had gone to their relief, I took the precaution to ascertain whether any real cause of apprehension existed. I had learned to receive with distrust all the rumors and news of which Yokohama is the prolific parent, and which keep it in a state of constant alarm. But as the lives of our people might be endangered, I asked that a governor of foreign affairs might be despatched at once to this legation with all the information in possession of the government in relation to the wreck and situation of the crew. At 9 o'clock that same evening one of the governors visited me. He expressed himself highly pleased that I had declined the assistance of the French steamer, and assured me that no uneasiness existed on the part of the government, and that no unusual precautions had been taken. I thereupon addressed to the minister of France a letter conveying this gratifying information, which confirmed me in my opinion that no necessity for further aid existed.

I enclose No. 3, translation of the official letter of the minister of France, and Nos. 4 and 5, copies of my replies.

It is due to our consul to state that the allusion of the minister to the case of the Guinea and the unfriendly remarks of our consul are founded on a difference which has arisen between the minister of France, acting as consul general, on the one side, and the American, English, and Dutch consuls on the other, growing out of the wreck of that vessel and of the questions of insurance thereat arising, with the merits of which I am not acquainted. I took occasion, however, to inform the minister of France, unofficially, that I had no doubt that the remarks of Mr. Fisher had been misunderstood, and that I was sure that a satisfactory explanation could and would be given.

I should add, that about the time our consul reached the wreck I received from the captain of the ship written notice of the shipwreck, accompanied by the boat-flag, to attest the nationality of the vessel, which were brought by the Japanese overland. The vessel is a total loss; also the cargo. The captain and seamen have safely reached Kanagawa.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

No. 13.] CONSULATE OF THE UNITED STATES OF AMERICA,
Kanagawa, Japan, December 8, 1862.

SIR: I have the honor officially to inform you that on the night of the 22d ultimo the American bark Cheralie, of New York, on voyage from Hakodadi to Shanghai, China, struck a sand knoll, and has since stranded and become a total wreck, about one hundred miles due northeast from this port.

About mid-day on the 27th the governor of Kanagawa sent word to me that he had information that a vessel, supposed to be American, had gone ashore in the neighborhood of Cape Chi-o-yo-she, but he would know more about it on the morrow and duly inform me. On the 28th he received and sent word it was an American vessel, and that after having been driven into the breakers, had cut away her masts, and would become a total wreck; so that

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a government steam gunboat would be placed at my disposal on the next morning to proceed to the wreck for the relief and rescue of the crew. The next day was thick, foggy, and rainy, so that the vessel did not come down until about 5 o'clock p. m.

The governor immediately sent word to me of the arrival of the ten-gun boat Cho-yo-maroo, and requested to be informed whether I would go, and at what time. I told his messenger I would be on board at any hour he might name. The hour of 9 a. m. the next day, 30th, was fixed upon, and I was promptly on board. On reaching the deck, Captain Ya-ta-bo-re-ki-dro and his officers received me with the usual man-of-war civilities, and tendered me the use of his cabin, which I accepted. At 9½ a. m. the ship weighed anchor and we stood down the bay, the wind blowing fresh northwest. Accompanying me I had taken Mr. Hogg, our marshal, and Mr. Connor, the pilot. The Japanese government also sent a high official from the custom-house department, and one from the marine department, with an interpreter. The wind having increased to about half a gale, the ship lay at anchor at Uraga about five hours, and then steamed on, intending to anchor inside Cape King for the night. This purpose the high officer of customs and captain communicated to me, when I said I would not in any way control; that is your exclusive province, and beg you to do what you think best. I will state, however, that my anxiety is great to reach the wreck as early as possible, as it may be the captain, passengers, if any, and crew, may be suffering from sickness, want, or injuries; and as my government is at all times particular to render the speediest relief to shipwrecked seamen, I hope as little delay will occur as is consistent with safety.

The captain immediately concluded to keep on through the night. As we got outside the wind increased, and the sea off Capes King and Blanco was very rough; still we steamed on, and at daylight, the 1st of December instant, had made but about thirty miles beyond the last-named cape. We continued on our course—wind still freshening more and more—until, finding we made no headway, the order was given, 12 m., "about ship," and returning fifteen miles, we anchored at 3 p. m. opposite the village Comi-ma-to. There we lay twenty-seven hours. Providentially the wind abated during the night and through the forenoon of the 2d, and at 4 p. m. we again got under way. The night was comparatively calm; at 6 o'clock on the morning of the 3d we found ourselves directly opposite the wreck, about three miles distant.

At seven the vessel came to an anchor within two miles of the wreck, lowered the captain's gig, and with three of the highest Japanese officials, the interpreter, Mr. Hogg, Mr. Connor, and myself, started to go to the wreck. We had gone within three-fourths of a mile of it, when it became evident that it would be madness to go nearer, as the current and breakers would inevitably swamp us.

We then made for the entrance, three miles distant, through the mouth of the river Tonegawa, immediately north of the point marked on Perry's chart Sandy Hook, or Cape Chio-yo-shi. On our way, about midway, we met a Japanese surf-boat, and transferred the Japanese officers and myself to the same, Mr. Hogg and Mr. Connor returning temporarily to the ship.

This entrance is dangerous, being through a heavy surf, almost constantly breaking all the way across the channel; but after a hard pull we got through, reached calm water and the fishing village of Chi-yo-shi, province of Si-mo-o-sa. Here I was taken to the residence of the head man of the village, and treated to tea.

After certain official inquiries were made, we again took boat and proceeded up the river about three miles, when we again debarked. From thence we walked through delightfully shaded groves and hedged road-ways to the temple Gin-gin. Just before reaching it, my eyes were delighted with beholding, floating to the breeze from a respectable flag-staff which had been erected for that purpose by the Japanese authorities, our dear old national ensign, and had the captain raise the flag on. As we entered the temple grounds, temporary buildings were seen on every side, and a large number of soldiers on guard; those on duty "turning out" at a carry as we passed through the entrance.

In the temple I found Captain Farrell, of the bark, and his officers and crew of fourteen men, all in tolerable health; one who had been saved from the breakers, and resuscitated from drowning, not as well as the others, but convalescing.

The captain then related to me, on the 22d ultimo, at noon, his observations were good in every respect; that they were then about forty-five miles from land; that at twelve o'clock at night, having just turned in, the second mate on watch, weather murky, cloudy, with all sail set and wind fresh, he felt the ship strike on what turned out the next day to be a sand knoll, about two and one-quarter to two and one-half miles from the shore, a low sandy beach. He immediately sprung on deck, when she struck again, and through the darkness they could barely discern the outlines of the shore, and hear the dashing of the breakers; at once clewed up all sail, the ship still thumping very heavily. In this condition they lay all night. Next morning the wind increased, blowing them directly on shore into the breakers; the current, the captain says, being fully six miles per hour, north by west. During the day and that night the wind increased to a gale, and they expected the vessel to go to pieces every moment. The next day, 24th, the ship had driven in still more and more, when, to lighten her up, they cut away the fore and main mast, and were

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in the act of cutting away the mizzen, when the wind and a lurch of the vessel broke it off by the head, and all came down with a crash, but no one injured, though narrowly escaping; also threw overboard heavy cables, except fifteen fathoms. The ship then lightened up, so that the wind took her right into the breakers, where she became hard and fast in the sand, and would have gone all to pieces but for her remarkably strong build. We then walked to the wreck and found her lying head on, about three miles north of the channel of the river and cape above named, one hundred yards from the shore at high tide, and is a total wreck. The province is Hi-ta-chi; the town is To-ka-no-wara.

The captain and crew, by throwing overboard their trunks, boxes, and bags, saved most of their clothing, which were washed ashore; but no provisions.

The same day the captain abandoned all as hopeless; when I made arrangements with the Japanese officials sent with me, to wreck her if possible, and ship the cargo and saved articles from the wreck to Kanagawa, which I doubt not will be speedily and faithfully done.

That evening we endeavored to go to the ship; but finding it impossible to go through the breakers at the mouth of the river, we were compelled to return to the temple and spend the night. Had we gone into the breakers, we would undoubtedly all have been lost.

On the morning of the 4th, at 10, we again walked to the river; and embarking in boats at 1 p. m. were all in safety on board the steamer. At 2 p. m. we had again got under way, and headed for this port. At 4 p. m., the 5th, we arrived at this anchorage all comfortable and safe.

The danger of the current, the fear of the wind rising, and the uncertainty of the anchorage, impelled me to the speediest possible embarkation and getting under way; for had the wind risen as on the 1st, the steamer could by no means have remained by the wreck, but must have gone either thirty-five miles to the northward, or seventy five miles to the south, to find any sort of a secure anchorage or protection; and it might have been a week or two, or even three weeks, before we could have got on board of her. No sailing vessel, in my opinion, should venture within six to ten miles of this place; and with the wind east-northeast, north, or northwest, no ordinary steamer should venture nearer than from three to five miles. I think it one of the most dangerous places I have ever seen; and it puts one in mind of Squam beach more than any other place I now remember.

I have now to state to your excellency, with the greatest satisfaction, the true kindness with which the captain and crew had been treated. A temple was given them, and such food as the Japanese can afford. They had also a guard of about 200 men that the sailors should have the fullest protection and no accident befall them from the people.

As for myself and the party, I know not in what terms to express my gratitude to the officials sent by the government and the chief officials of the province when the wreck occurred, and the captain and officers, one and all of the ship, each vied with each other in administering to our wants. Wherever I went the utmost deference was paid me by officials and by the people, and the same deference and respect paid me as to the governor of the province.

Eggs, chickens, ducks, fruit, rice, oysters, sweet potatoes, and fish were supplied us in abundance and without charge.

I beg leave to thank the civil and naval officers, one and all, and the government, with all my heart, for their every act of kindness to the men and myself and party, and beg to ask your excellency to state so to the governors of foreign affairs and their excellencies the ministers of state.

This proof of friendship, this demonstration of good faith to foreigners, this undeniable attestation of intention to fulfil every treaty obligation and manifestation of their desire to fulfil all the obligations of the most enlightened humanity will be regarded by the whole world as conclusive evidence of their desire to be coequal with the other civilized powers. Indeed, I cannot but regard this act, as it most assuredly is, an unparalleled demonstration of the rapid advance this remarkable people and government are making towards a full emancipation from exclusiveness which is to place them speedily in the front rank of nations, if not to make it and them a Christian country and people—a nation soon to be counted as among the first and most enlightened of the earth.

Again requesting you to thank the government and officers of the ship, each and every one of them, for their courtesy, kindness, and respect in behalf of our country and for myself,

I am, my dear sir, most respectfully, your obedient, humble servant,

GEORGE S. FISHER,
United States Consul.

His Excellency General ROBERT H. PRUYN,
Minister Resident, Yedo.

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No. 141.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, December 16, 1862.

I have the honor to thank your excellencies for the prompt and friendly services of a ship-of-war despatched by the Japanese government to the scene of the wreck of the American ship Chevalier, and for the efficient aid extended to the shipwrecked officers and seamen by the officers of the province, as well as by the officers from this city.

I am happy to be able to state that no lives were lost on that occasion, and that the crew of the vessel have arrived in safety at Kanagawa.

Colonel Fisher, the American consul, reports to me that the officers of the ship-of-war treated him with courtesy and kindness during the passage; that on his arrival at the wreck he found our countrymen most comfortably accommodated and amply supplied with provisions, and the officers and people of the neighborhood were kind and friendly.

It is highly satisfactory to learn that the same friendship for my country, which I am happy to know animated his Majesty the Tycoon and your excellencies, extends so generally to officers and people of this empire.

The bare fulfilment of treaty obligations cannot of itself create nor increase cordiality between nations. It is the spirit which prompts and accompanies such fulfilment which gives character and force to the act.

The instant information given by the Japanese officers of the wreck, their humane attentions in advance of orders from Yedo, the immediate despatch of a vessel-of-war of your excellencies bearing our consul to the wreck, and the cordial and friendly feeling which marked the conduct of all your officers, show that higher and better, because more humane and friendly, motives than the desire to fulfil treaty obligations influenced your excellencies and all your subordinate officers.

It would gratify me if your excellencies would cause my thanks to be conveyed to the captain of the Tsho-yo-maro and to the chief officer at Tsh-yo-shi.

The President of the United States will receive with great satisfaction the report which it will be my duty and pleasure to make as a proof of the present and a sure promise of the continued existence of a spirit of friendship between the two countries which will, whenever opportunity offers, be manifested in beneficent acts.

With respect and esteem,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

Their Excellencies MIDSUNO IDSUMI NO KAMI,
ITAKURA SUWO NO KAMI,
OGALAWARA DSUSIO NO KAMI,
Ministers of Foreign Affairs, &c., &c., &c., Yedo.

LEGATION AND CONSULATE GENERAL OF FRANCE IN JAPAN,
December 2, 1862.

MY DEAR COLLEAGUE: Among the information which reached me last evening in regard to the recent wrecking of an American ship on the coast of the province Hitals, I notice an announcement that the Japanese government, when placing at your disposal, on the 30th of this month, (ultimo,) the steamer which conveyed the consul of the United States to the place of the wreck, deemed proper to take certain precautions indicating doubt of the friendly disposition of the inhabitants of that province towards foreigners.

Though by reading the last number of the newspaper, the Japan Herald, I learned, to my great surprise, that Mr. George S. Fisher, at a recent consular meeting on the subject of the wreck of the Dutch brig Guinea, had thought proper to direct attacks against me, which are said to have been rather sharp, (I do not yet know the wording and the motives,)

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yet I would not for such a question, the solution of which, if required, may be arrived at in the usual diplomatic way, fail in the duties prescribed to me as well by the cordial relations which unite our respective governments as by the feeling of solidarity, which in this country should unite all the members of the great western family.

In order thus to fulfil this duty in a manner so as to avoid all erroneous interpretation of the feeling inspiring me on this occasion, I have the honor to inform your excellency that I am prepared, in the absence of a ship-of-war of the United States in these waters, to send to the place of the wreck his Imperial Majesty's ship the Duplex with the mission to inquire into the state of affairs on the spot, and to assure the authorities and citizens of the United States of such protection as they may be in need of.

In case your excellency accept my proposition, I would request you to write a few lines to the consul of the United States, for the purpose of giving this agent to understand that the mission of the Duplex has no other object than personal protection, and that it should not be taken as an intention of meddling in any manner whatever with the special matter of the wreck of the American ship, a question the direction of which, according to French law, pertains exclusively to the consul of the wrecked vessel's nationality.

I despatched a special messenger to your excellency in order to receive more promptly your answer and the letter which the Duplex, if she has to go to the spot, will take to the consul of the United States.

I have the honor to be, my dear colleague, your excellency's most obedient, humble servant,

DUCHESNE DE BELLECOURT,
Minister Plenipotentiary of France in Japan.

No. 130.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, December 2, 1862—8 o'clock p. m.

SIR: I have the honor to acknowledge the receipt, this hour, of your excellency's despatch of this day, in which you offer to send his Imperial Majesty's steamer Duplex to the province of Hitals, where an American ship has been wrecked, for the protection of American interests, in the absence of an American ship-of-war, and to render assistance to the American consul at Kanagawa, who has gone to the scene of this disaster in a Japanese government steamer, most kindly despatched for that purpose by the government of Japan.

Since I have had the honor to represent the United States in this empire your excellency has embraced every opportunity which has offered to manifest your friendly feeling to myself personally, and to prove, by deeds as well as words, that the hereditary friendship of France and the United States continues sincere and strong.

This fresh proof of friendship moves me deeply, and I should at once most thankfully accept your offer were I not assured that the mission of mercy on which our consul has gone will terminate peacefully. I have no reason to doubt either the willingness or ability of this government to render all needful assistance and protection.

I have for greater certainty, however, instituted further inquiries, and shall have the honor, early to-morrow, to give you their result.

Meanwhile I avail myself, &c.,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

His Excellency DUCHESNE DE BELLECOURT,
His Imperial Majesty's Minister Plenipotentiary in Japan.

No. 131.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, December 2, 1862—10 o'clock p. m.

SIR: I have just had an interview with a governor of foreign affairs, and he assures me that the Japanese government have taken every precaution to insure the safety of the seamen and property of the American ship which has been wrecked, and that every assistance will be rendered, and all needful protection given to its crew and our consul.

I avail myself, &c.,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

His Excellency DUCHESNE DE BELLECOURT,
His Imperial Majesty's Minister Plenipotentiary in Japan.

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Mr. Pruyn to Mr. Seward.

No. 1.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, January 10, 1863.

SIR: I have to inform you that while on a visit to our consul at Kanagawa, to pass the New Year with him, I was aroused from sleep on the 2d day of January, at the hour of 3 o'clock a. m., and informed that two governors for foreign affairs had been despatched from Yedo to make an important communication to the foreign ministers. I rose and had an interview with Nili, the chief interpreter, who accompanied them, and agreed upon an hour for our meeting.

Two governors and an Ometske of equal rank called on me at the time appointed, and communicated the not very agreeable intelligence that the Goragio had reason to believe that an attempt was to be made by *sronins* (meaning men with pretensions to rank, but without means of support) to murder the foreign ministers. That they were scattered in bands of ten each, and would be watched by the government.

It is unfortunately a principle of Japanese law that arrests cannot be made for a crime threatened—only for one accomplished. The custom, therefore, is only to watch, and, if the vigilance of the guards is baffled, the offence may be committed.

I was asked, when visiting Yokohama, to proceed by boat across the bay instead of by the tokaido, (main road,) to which I readily assented, saying, at the same time, that I would not have occasion to go on the tokaido, except to the ferry, until my return to Yedo, on the 5th of January.

I was then asked not to return to Yedo by the tokaido, and was informed that the government would send down a steamer to convey me to the city.

The previous week, at my Christmas visit, I had been asked, in returning, to take the country road instead of the tokaido, as a powerful daimio was on the latter road. Five applications to this effect were made, but as I had been deprived of sleep by a pain in my face the entire night before, and the country road was in bad order, and also much longer than the tokaido, I refused to go except in the usual way, which I accordingly did without meeting any daimio. But on this occasion the governors were so much excited, and the Goragio had felt it to be their duty to adopt such mutual precautions, that I did not feel at liberty to follow my own inclinations, though I was satisfied that no danger would be incurred in using the takaido.

A large government steamer was accordingly sent down for me, in which I returned to Yedo. Until my departure, guards were sent each day to guard the route from the consulate to the ferry. Since then I have been repeatedly on the takaido; and the government, I have been informed, are entirely satisfied that the rumors were without any foundation.

The custom-house authorities are exceedingly unpopular with the Japanese, and threatening placards were posted up to annoy and terrify them; this appears to have been the sole cause of the alarm. It had the effect, however, greatly to alarm the residents of Yokohama, which was guarded by a nightly patrol of the British and French guards and the volunteers of the town, while the consul and his family, and myself and son, were sleeping quietly at Kanagawa, under the protection of a Japanese guard, and without any feeling of insecurity.

These reports have thoroughly aroused the British and French ministers, who have made vigorous protests, and have declared to me that they regard them as worse than an attack, which might be accidental, while these constant

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rumors of attacks are an evidence of the weakness and inefficiency of the government. I have thought the affair unworthy of any formal notice.

I have the honor to be, sir, very respectfully, your obedient servant,

ROBERT H. PRUYN,
Minister Resident at Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 2.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, January 14, 1863.

SIR: The British government have demanded ten thousand pounds sterling for the murder of the two British sailors at the legation in June last. The Japanese government have refused to pay the amount, and offered to pay three thousand dollars as a provision for the families of the deceased.

In the despatch of Earl Russell, which was kindly shown me by Colonel Neale, her Britannic Majesty's chargé d'affaires, it is intimated that the amount can be assessed on the daimio whose retainer murdered the sailors. I am informed by the Japanese government that this daimio is poor, and utterly unable to pay so large a sum as is claimed, or even a tenth part thereof.

The sum demanded is so large as evidently to be intended as a punishment of the daimio, instead of a provision for the families of the deceased, and probably in ignorance of the position of the parties.

There are daimios in Japan who have large territories and princely incomes; there are others who are merely retainers of the Tycoon or other territorial princes.

It is to be regretted that this case is not disposed of in advance of the claim which may be made for the murder of Mr. Richardson, a British merchant, in September, of the particulars of which I advised you in my No. 50.

As the party offending at that time is a relative of the rich and powerful Prince of Satsuma, the principle intended to be enforced for the June murder may be made to apply for the September outrage. As the Prince of Satsuma is sovereign of the Lew Chew group, which he holds independent of the Japanese government, and from which he derives an income of more than $200,000 per annum, a way for redress is open without any hostile act in Japan.

The foreign community is very much excited by rumors, on the one hand, of hostility on the part of the Japanese, and, on the other, by preparation of redress said to be in progress by Great Britain. It was reported a few days since that two British regiments were on their way to Japan. This rumor had reached the Japanese government, and I was spoken to on the subject. The British minister, in reply to my inquiry, informed me that he had no information on the subject, and believed and hoped the rumor was unfounded.

It is now said, and perhaps with truth, that a British fleet is shortly expected here. If so, it is probably to enforce the demand which may be made for the murder of Mr. Richardson.

It is proper that I should make some further remarks on this case. In my despatch No. 50 I informed you that no provocation had been given to the retainers of Satsuma. I have no information now that anything occurred to justify or palliate the attack on any principle known to our law. But the usages here are peculiar; and it is possible that unconsciously an insult was offered which would have occasioned the murder of a retainer of another prince. Early this month there was a collision between the retainers of two daimios on the tokaido growing out of some claim for precedence.

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It is known, however, that some time before the attack was made, Mr. Marshall exclaimed "For God's sake, Richardson, do not let us have any trouble!" To which Mr. Richardson replied, "Let me alone; I have lived in China fourteen years, and know how to manage this people."

It is supposed that the horse of one of the party forced itself between the norimon, in which the karo or secretary of Satsuma was seated, and the retainers who marched as a guard beside it. This is regarded as an insult, which would justify the cutting down of any Japanese according to their usage.

It should be said that Messrs. Marshall and Clarke deny that any provocation was given, while admitting that the above remarks were made, which I feel it my duty to make known to you, without any disposition, however, to justify or even palliate the outrage.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pruyn.

No. 32.] DEPARTMENT OF STATE,
Washington, January 20, 1863.

SIR: Your despatch of November 20 has been received. The President is gratified with your success in effecting an arrangement with the Japanese government for the reciprocation of national, military, and naval courtesies, and the satisfaction is heightened by the circumstance that the arrangement has been extended to and embraced by the representatives of the other treaty powers residing in Japan.

The Secretary of the Navy has been informed of the arrangement, and also of your desire that the Wyoming may be ordered to return to Japan in the spring.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yedo.*

Mr. Pruyn to Mr. Seward.

No. 8.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, January 27, 1863.

SIR: I have the honor to acknowledge the receipt of your despatches, No. 24, of September 25, and No. 25, of September 29 last.

I received with great gratification the information that the President is satisfied "that my proceedings have been, in all respects, the best that could have been adopted to co-operate with and sustain the British legation, and to bring the government of the Tycoon to a just sense of this new outrage, and of the danger which it brings on the empire."

I have the honor to transmit enclosure No. 1, copy of my letter to the ministers of foreign affairs, agreeably to your instructions.

I have the honor to be, sir, very respectfully, your obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

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No. 1.

Mr. Pruyn to the Ministers of Foreign Affairs.

LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, January 27, 1863.

I have the honor to inform your excellencies that the President of the United States has been pleased to approve of all my proceedings on the occasion of the attack on the British legation in June last.

I have been instructed to inform your excellencies that the President received the information of the assassination of the two British sailors with profound emotion, and that while the United States will hereafter, as heretofore, prove themselves a generous friend, yet that the safety of all representatives, citizens, and subjects of all the treaty powers must and will be insisted upon as an indispensable condition of the continuance of the relations between the United States and Japan, which have been so happily established.

The President has derived much satisfaction from the reply of the ministers of foreign affairs to the letters which I had the honor to address to them on that occasion, and has expressed a hope that the government of his Majesty the Tycoon will practice such diligence in bringing all persons connected with the transaction to condign punishment, as will give assurance to the British government and to the treaty powers that the rights and safety of foreigners in Japan will hereafter be inviolably protected.

It has afforded me sincere pleasure to be able to inform the President that I am satisfied that the Japanese government is sincerely desirous of extending this protection, and of securing to the citizens and subjects of the treaty powers all the rights conferred upon them by treaty.

The cultivation of this feeling of good will, and the faithful observance of their reciprocal obligations by Japan and all the powers with which treaties have been made, not in a narrow spirit, constantly asking how much can be withheld, but in an enlarged spirit of liberality, which shall ever ask how much can with propriety be done, will result in great advantage to Japan and the world. And I indulge the hope that the friendship which now animates all these governments will be greatly increased and be perpetual.

With respect and esteem,

ROBERT H. PRUYN, *&c., &c., &c., Japan.*

Their Excellencies MIDSUNO IDSUMI NO KAMI,
ITAKURA SUWO NO KAMI,
OGALAWARA DLUSIO NO KAMI,
Ministers of Foreign Affairs, Yedo.

Mr. Seward to Mr. Pruyn.

No. 33.] DEPARTMENT OF STATE,
Washington, January 31, 1863.

SIR: Your despatch of September 16 (No. 48) has been received, and read with deep interest.

The President does not fail to observe that some of the agents of some others of the treaty powers pursue, in their intercourse with the Japanese, a course more energetic, if not more vigorous, than that which you have followed under the instructions of this department. He, nevertheless, approves your decision to persevere in your past course, which, so far at least, has attained all desired objects, while it seems to have inspired the Japanese authorities with sentiments of respect and friendship towards the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yedo.*

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Mr. Seward to Mr. Pruyn.

No. 35.] DEPARTMENT OF STATE
Washington, January 31, 1863.

SIR: Your despatch of September 10 (No. 47) has been received. The letter, of which it encloses a translation, received by you from their excellencies the ministers of foreign affairs, communicating the result of the investigations instituted concerning the recent attack at the British legation, and the punishment inflicted upon those judged derelict of duty, has been read with interest by the President, who hopes that the proceedings of the Japanese government, in this painful transaction, may be satisfactory to the British government, and tend to increase the confidence of the representatives of the treaty powers in the disposition of the Japanese authorities to prevent by all the means in their power the repetition of such attacks as that recently made upon the temporary residence of the British envoy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yedo.*

Mr. Pruyn to Mr. Seward.

No. 10.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, February 16, 1863.

SIR: I have the honor to inform you that on the 31st ultimo I was waited on by two governors for foreign affairs, who informed me they had a confidential communication to make, and that for that purpose they had come without secretaries and attendants.

They stated that they had already made the communication to the British and French ministers at Yokohama, and apologized for not having made it first to me in Yedo; but they had gone to Yokohama first, as they had heard that the French minister contemplated visiting Yedo.

They proceeded to say that, at the time the treaties were made, there had been opposition on the part of the Mikado and people; that public feeling had been quieted, and it was hoped that the unfriendly feeling would be entirely removed; but that recently the Mikado had been influenced by two daimios unfriendly to foreign intercourse, (the Princes of Satsuma and Nagato,) to ask the Tycoon's government to close the port of Kanagawa. That the Tycoon had appointed Stotsebali (one of the imperial family) as ambassador to the Mikado; and that the representations he would make, and which would be followed up by the Tycoon, on his visit in March, would remove these prejudices from the mind of the Mikado, and defeat the machinations of the daimios referred to. That these daimios had made themselves amenable to punishment, but that this might lead to a civil war, which it was desirable to avoid, as peace had now prevailed for two hundred years. They said that there was great danger of a civil war; and asked, in the event of its occurrence, what would be the feeling and action of the United States.

To this I replied that the government of the United States would, of course, be deeply interested in such a struggle, and that all the moral support it could render, and all material support which would be justified by international law, would doubtless be given; and that it was my opinion that, if called on by the government of the Tycoon for aid, all the treaty-powers would be justified in giving it, in self-defence, and would give it if, as was said, the object of the hostile daimios was to drive out foreigners. The governors replied that they supposed the United States and Russia would have this disposition, but feared England and France might act contrary.

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They then proceeded to say that I had probably heard that Audo Tsusima No Kami (the minister referred to in Mr. Harris's despatch No. 9, and in my despatch No. 22, both of 1862) had been punished. I replied in the affirmative. They said he had been deprived of property, by way of fine, to the value of 20,000 kok of rice (5,000,000 pounds) per annum. That, among other offences he had appropriated, without the knowledge of the Tycoon, Goten-Yama for the use of the legations, and that great offence had been given to the hostile daimios and the people by reason of that, as those grounds had been used for a great number of years as a place of pleasure resort. That the Tycoon would be able to remove all other causes of difficulty; but he did not know what excuse to give for this appropriation of Goten-Yama, and if the different ministers were willing to accept another location, that it would relieve the government from great trouble.

To this I replied I had no particular preference for Goten-Yama, and would very willingly accept any location equally convenient and pleasant. They asked whether I was willing to write a letter to that effect. I replied that I had purposed to call the attention of the government to improvements it had promised and neglected to make at Goten-Yama, and that I would close my letter by giving my views as to the selection of another location.

I then suggested that, as the buildings for the British legation were nearly completed, it might be more difficult for the British minister to consent to a change; but that, if made at all, it was manifestly proper that a better location should be offered, as otherwise it might appear as if Goten-Yama were given up because of threats which I had heard. (The people of Yedo were understood to object to Goten-Yama being given to the foreign legations, in consequence of being deprived of pleasure grounds; and it is said that it was a common remark, "The British have our plum-garden, but the blossoms will be red." Some of the daimios were violently opposed to the concession, on the ground that it was the most commanding position in the vicinity of Yedo, which is true. The hill completely commands the five forts and the road to the city.)

They said the British minister had informed them that he had no authority to act in the matter, as Mr. Alcock, who had made the selection, was on his return to his post; but that the French minister made no objection to a change. I replied that I understood that the grounds occupied by the British legation were those which had been formerly used by the people, and which it was desired should be given up; and that, though no objections could be made to the use of the part selected for the American legation, yet as it was desirable that all the ministers should occupy contiguous grounds, I was willing to surrender that site.

I fortunately addressed a letter to the ministers, of which I enclose copy, (enclosure No. 1.) That *evening*, as at two o'clock of the next morning, the British legation buildings at Goten-Yama were destroyed by fire. I immediately sent an officer to inquire into the circumstances, and at once informed the British minister of the destruction of the buildings—evidently the work of incendiaries. In the evening I received a letter from the ministers, of which I enclose translation, (enclosure No. 2,) and was also waited upon by a governor for foreign affairs, who gave me an account of the situation of the premises when the fire was first discovered, and that candles had been found; that the fire was set in different places at the same time, and other particulars, confirming my opinion that the premises had been fired.

On this occasion it was suggested that my residence in Yedo was not very pleasant; that I had not the same freedom of movement as I would have at Yokohama; that it might be pleasant for me to have a residence there, occasionally visiting Yedo; that as my expenses would be much increased by reason thereof, the government would be willing to provide for the same. I asked whether the ministers of foreign affairs had directed him to propose a change of

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residence, to which he replied he had done it on his own responsibility. I then said I had not come to Japan for my pleasure; that I had refused to leave Yedo when the other ministers did, because I had supposed I would serve my own country, and Japan also, by remaining; that when I could render such service better by departing than by remaining, I was willing to converse on the subject; but that such time had not arrived, and, in my judgment, was not likely to arrive.

I have no doubt the government would be pleased to have me, if only in appearance, reside at Yokohama, as then, at the great meeting which is soon to take place at Kioto (Miako) between the Tycoon and the Mikado, it would be possible to say, with some appearance of truth at least, that no foreigners resided at Yedo.

As I had been furnished with a paper purporting to be a copy of a letter from the Mikado to the Tycoon, I gave the Japanese version to the governor, requesting him to show it to the ministers, and ask them to inform me if it was genuine. I enclose translation, (enclosure No. 3.) It was returned to me with a message that it was substantially correct, although there were a few errors in it. I immediately addressed a letter to the ministers, saying I had received their reply; and as it became my duty to forward a copy to the President, I should be pleased to be furnished with a version which would be perfectly accurate. A governor for foreign affairs waited on me the next day, and, in the name of the ministers, requested me to withdraw my letter, as it was impossible, under their laws and usages, to give me a copy; that I had obtained one without their procurement, and that it was sufficiently correct. They begged me not to regard this refusal as unfriendly. As I complied with their request, and withdrew the letter, I do not send a copy.

You will perceive that the letter of the Mikado is highly important. I have given the ministers of Great Britain and France copies.

My opinion is that the Tycoon has sufficient power to maintain his position, even against the Mikado. The minister of France is of a different opinion, and many Japanese as well as foreigners are confident the Tycoon will never return to Yedo, but will be virtually deposed. While I do not concur in this opinion, it is evident that a crisis is approaching which will soon determine whether the great revolution which has been commenced in Japan shall be permitted to progress and to be bloodless. I trust that such will be the result. If so, it will be one of the most marvellous changes which history records.

The relations of the minister of France with this government, I regret to say, are not entirely friendly. On the occasion of his visit to Yedo, to which I have alluded, he came up in his Imperial Majesty's steamer Duplex, so as to allow her officers to visit Yedo. It was urged by a governor of foreign affairs that they should not do this, and the minister was requested not to return by the tokaido, as he proposed to do, as it was feared danger might be incurred. He has informed me that on his expressing surprise at the request and warning, as I was residing tranquilly in Yedo, and my guests were freely visiting every part of the city, he was told that there were many people who made a distinction between the Americans and the British and French; and on his asking the reason, it was replied, because the British and French had so many men of war in Japan. I presume the guards were referred to.

The French minister said if the tokaido (main road) was not safe, he would land two hundred men from the frigate to act as his guard. He left here with his usual French and Japanese guard.

A few days thereafter I had business at Yokohama, and on its being represented that many daimios were that day on the tokaido, I accepted the offer of a Japanese war steamer to go down in; but I returned on the tokaido, and have gone down on it and returned twice, on two occasions passing through large trains armed in part with muskets, with entire safety and without the

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slightest evidence of unfriendly feeling. While passing through one of these trains I heard some of the officers say it was the American minister.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBT. H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Ministers for Foreign Affairs.

[Enclosure No. 1.]

UNITED STATES LEGATION IN JAPAN,
Yedo, January 31, 1863.

I desire to call your attention to the improvement of the grounds selected for the American legation at Goten-Yama. Trees and shrubbery were to have been put out last year, which has not been done. These improvements should be made without any delay.

On my arrival in Japan, when I learned that Goten-Yama had been selected for the dwellings of the different legations, I also learned that a portion of it had been used for many years as pleasure grounds for the people, and that considerable feeling had arisen in consequence of their being deprived of their use.

I am sure that the treaties which have been made with the different governments will result in great good to Japan. These governments have not for mere selfish purposes desired access to this empire, but because they felt that the establishment of friendly relations with them would lead to great mutual benefits. It is not to be supposed that all the subjects of his Majesty the Tycoon will at once see that such will be the result. It is natural that some should even yet entertain great doubts, even if they do not go to the extent of opposing the trade with foreigners, not recognizing the truth that in this period of the world's history a change to the old state of things in Japan would be impossible. So far, however, as the United States is concerned, it is desired that no rights or even pleasures shall be needlessly interfered with, and I wish to say to your excellencies that if there be any reason why another location than Goten-Yama would be preferred, and one as favorable for the United States can be chosen, I am not only willing that a change should be made, but would, indeed, prefer another site. I do not wish that the American flag shall ever be regarded as an emblem of hostility, either by the people or government of Japan, but only as an emblem of friendship and good will.

With respect and esteem,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

Their Excellencies the MINISTERS FOR FOREIGN AFFAIRS, *&c., &c., &c., Yedo.*

The Japanese Ministers to Mr. Pruyn.

[Enclosure No. 2.—Translation.]

We have to state to your excellency that this morning, past 2 o'clock, the British legation constructed on the heights of Sinegarva was found to be on fire so suddenly that it could not be protected, as was immediately stated to you by a governor of foreign affairs.

And we are astonished and regret the more, as we have heard that this is not owing to any mistake of those who are on duty there. Of which we have to inform you.

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With respect and esteem, the 12th day of the 12th month of the 2d year of Bunkin, (the 1st of February, 1863.)

MIDOSENO IDSUMI NO KAMI.
ITAKURA SUWO NO KAMI.
OGASAWARA DSUSIO NO KAMI.

His Excellency ROBERT H. PRUYN,
Minister Resident of the United States of America, &c., &c., &c.

[Enclosure No. 3.—Translation.]

What ought to be done to sweep away the foreign barbarians?

From ancient times until now the heart of the Mikado has not at all changed. The Willow Palace (Taicoon) has also respected the imperial will, in changing and improving its ways, and executing new methods of government. Hence, the Mikado's feelings have not been painfully disturbed.

But at the present time there is no unanimous decision respecting the banishment of foreign barbarians, and, therefore, the minds of the people cannot be united. This affects the heart of the Mikado (Sublime Porte,) and he commands the Willow Palace (Taicoon) persistently to determine that the foreign barbarians shall be swept out of the country. He must, without delay, notify all the daimios; and it is his duty to devise the best stratagem, and speedily, as commander-in-chief, to carry out the deliberations of the whole, and execute their just and patriotic decision. Let him fix upon a period for cutting off the ugly barbarians (from the country.) The Emperor commands that a report (of results) be made to his Imperial Majesty.

Mr. Seward to Mr. Pruyn.

No. 38.] DEPARTMENT OF STATE,
Washington, April 4, 1863.

SIR: Your despatch No. 63, dated the 16th of December last, was duly received. It relates exclusively to the loss, and the circumstances which attended it, of the American bark Chevalier, on the east coast of Japan, in the province of Hilato, and is accompanied by a copy of a report made to you by the consul at Kanagawa, giving a detailed account of the shipwreck; of your letter of thanks to the ministers of foreign affairs, and by a translation of an official letter addressed to you by the minister of France at Yedo, with copies of your replies to the same.

It gives me pleasure to inform you that your proceedings, in connexion with this disaster, are fully approved, and to request you, upon the receipt of this instruction, to address a communication to their excellencies the ministers of foreign affairs expressive of the profound satisfaction with which the President and people of the United States have received intelligence of the generous, humane, and efficient services rendered to the shipwrecked officers and seamen of the Chevalier by the officers of the province, as well as by those on board the gunboat Choyo-maroo, which the Japanese government so promptly despatched to the scene of the wreck. It is by such acts that nations are bound more closely together than they can ever be by mere ties of interest; and you will assure their excellencies that this manifestation on the part of the Japanese government and people, of a desire not merely to fulfil their treaty obligations to the United States, but to increase and perpetuate the cordial good will and friendly relations between the two countries, is accepted by the President as a sure indication that nothing will ever arise to disturb the firm friendship existing between the United States and Japan. You will also inform their excellencies that the President has directed certain presents to be sent to the principal officers of the Japanese ship-of-war, and those of the neighborhood where the disaster took place, in recognition of their noble and humane services. These testimonials will be forwarded to you for distribution, and will soon be on their way.

In complying with the foregoing instructions you will not fail also to thank

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Mr. Bellecourt, in the name of your government, for his prompt offer to send to the place of the wreck of the Chevalier his Imperial Majesty's ship the Duplex for the purpose of affording protection and assistance to the citizens of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yedo.*

Mr. Pruyn to Mr. Seward.

No. 15.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, April 10, 1863.

SIR: I have the honor to inform you that Lieutenant Colonel Neale, her Britannic Majesty's chargé d'affaires, read me a communication a few days since, while I was on a short visit to Yokohama, which he was about sending to the Japanese government, agreeably to the instructions of Earl Russell, in which he makes a peremptory demand on this government, "which is not to be modified, delayed, or even discussed," but to be met within twenty days of the 6th instant.

For the murder of the British sailors in June last at the British legation the sum of £10,000 is again demanded; for the murder of Mr. Richardson and the wounding of his companions on the tokaido in September last, an apology is demanded from this government, and also the payment of £100,000 sterling.

At the same time a frigate is to be sent to the territory of the Prince of Satsuma (about sixty miles from Nagasaki,) with a demand for the payment by him of the sum of £25,000, and that the chief murderers of Mr. Richardson shall be executed in the presence of a British officer.

A British fleet of twelve ships-of-war, under command of Rear-Admiral Kuper, is to enforce this demand; the measures to be adopted are not yet determined on, but a blockade or some other measures, short of hostilities, is first to be resorted to.

As the Tycoon and all the ministers of foreign affairs are now en route for Kioto, and the two other members of the Gorogio are now in charge of the department of foreign affairs, I urged the British minister to extend the time noted by him, which he said he did not feel at liberty to do, as he had already, in consequence of their absence, extended the time ten days; that he had before they left Yedo sent a note advising the ministers of foreign affairs that he was engaged in preparing an important despatch which would require the presence of his Majesty the Tycoon and the ministers of foreign affairs at Yedo; but they had replied, that their norrinons (sedan chairs) were already prepared and part of their train had already started, and they could not postpone their journey.

I have been informed by a minister of foreign affairs that a messenger had been despatched after the Tycoon and ministers of foreign affairs, with a communication informing of the nature and extent of the demands.

It is to be regretted that this demand should have reached here at this particular juncture. It is well known that the Tycoon has been summoned to Kioto by the Mikado; that all the great daimios will shortly assemble there, and that the Mikado has been influenced to regard the treaties with displeasure. At this meeting, and within a few days, the foreign policy of this government will probably be determined, and I fear that this demand of the British at this time will weaken the influence of the Tycoon and his supporters, and inflame the passions, and increase the influence, and add to the number of daimios opposed to foreign trade.

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I am at present inclined to believe that the money will be paid; the murderers may not be executed, or, if it is intended to conclude only those actually engaged in the commission of the crime, and not the secretary (some say the father, and others the uncle) of Satsuma who gave the orders, some persons may be found and put to death to personate the offenders; I do not, therefore, anticipate immediate hostilities, but it is impossible to conjecture what may eventually happen.

I shall endeavor to act in such a manner as to meet the approbation of the President, remembering, on the one hand, our friendly relations with this government, and, on the other hand, your instructions as to the necessity of harmonious relations with the treaty powers, and our identity of interest, and at the same time your circular letter to the treaty powers.

Should any collision take place, it is possible no distinction between the different nationalities will be made by this government or people.

I can only hope that peaceful relations with all the treaty powers will continue, and that war and bloodshed may be avoided.

I sent letters, some days since, to Captain McDougal, of the Wyoming, advising him of the condition of affairs, and asking his presence at as early a day as consistent with duty.

The requirements for home service have prevented my asking that other vessels be sent to these seas. As soon as they can be spared, I doubt not a considerable fleet will be ordered here by the President. Small steamers will be most serviceable.

I shall continue my solitary residence here as long as possible, and until forced to leave.

I have the honor to enclose No. 1, copy of a letter addressed to me by the British minister, and No. 2, copy of a letter addressed by me to our consul at Kanagawa. I addressed similar letters to our consul at Nagasaki, and commercial agent at Hakodadi.

I have the honor to be, sir, your most obedient, humble servant,

ROBERT H. PRUYN,

Minister Resident of the United States of America in Japan.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

No. 40.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, April 9, 1863.

SIR: I have the honor to enclose, for the information of yourself and the citizens of the United States within your consulate, a copy of a communication which has been addressed to me by her Britannic Majesty's chargé d'affaires.

You will perceive that it is quite possible that, at the expiration of the twenty days fixed by the British government for a reply to its demands, proceedings may be adopted which may possibly lead to hostilities, affecting the citizens and subjects of all the treaty powers.

It would be useless to attempt, because impossible, to form any opinion as to the course the Japanese government may pursue. It is sufficient to say that the short time allowed for the settlement of the grave questions presented, in the absence of his Majesty the Tycoon and all the ministers of foreign affairs, now en route for Kioto, which place it is said they will not reach within ten days from this time, may make it impossible to comply with its demands.

At this stage of the proceedings, I consider it necessary only to recommend that citizens of the United States pursue their business as usual, avoiding excitement, sacrifice of property, and all exposure to danger.

Their position, until otherwise determined by the action of the government of the United States, or by hostile acts of the Japanese government or people, which are not apprehended, must be that of entire neutrality.

I am in the daily expectation of seeing one or more of our national vessels at the port of Kanagawa.

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For greater security, I recommend that the citizens of the United States shall have an organization, which may enable them to act in concert. They will readily perceive that for the present it is proper that this organization shall be confined to our own nationality. You will not understand this suggestion as indicating that our interests are distinct from those of the other treaty powers. Even if so inclined, the United States may not be able to separate them. But thus far nothing has disturbed the peaceful relations between the government of the United States and that of Japan, and it is to be hoped that nothing will change those relations.

I shall continue my residence in Yedo, and, from time to time, give you such information as may be necessary for your guidance and that of our citizens.

I am, sir, your obedient servant,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan, &c., &c., &c.

GEORGE S. FISHER, Esq.,
American Consul, Kanagawa, Japan.

No. 18.] HER MAJESTY'S LEGATION,
Yokohama, April 7, 1863.

SIR: I have already availed myself of the earliest opportunity to read to you a note which I have addressed to the Japanese government, containing a declaration of grievances and unrequited outrages, of which British subjects have been the victims and sufferers, and for which I have demanded, under instructions from her Britannic Majesty's government, a specific reparation within a noted period of time.

It is sincerely to be hoped and desired that the government of the Tycoon, influenced by wise and just reflections, will yield a ready compliance with the demand now rendered imperatively necessary by unprovoked and outrageous acts committed by Japanese subjects, and for which no redress has been offered or accorded.

On the other hand, in the face of the possible contingency which exists of the Japanese government refusing to accede to those demands, or hoping to evade them by futile arguments or procrastination, it becomes my duty to apprize you of the inevitable adoption of coercive measures, which will be entered upon by the rear-admiral commanding-in-chief her Britannic Majesty's naval forces in these seas, at present, arrived here with a considerable squadron, and furnished with instructions to the above effect, analogous to my own.

Twenty days, dating from the 6th instant, as I have had the honor to communicate to you, is the period allotted as the term which I will await the definite and categorical reply of the Japanese government, the nature of which, when received, may necessitate the adoption of coercive operations on the part of the admiral, increasing in severity proportionate to the degree of ill-advised resistance which the Japanese government may assume.

During the interview, you will probably deem it essential and desirable to communicate the situation of affairs which I have the honor to represent to the citizens of the United States, residents at the open ports of Japan, with the view that they may individually adopt such precautionary measures for the safeguard of their interests as may be deemed expedient under your counsel and guidance.

In respect to general measures of defence against aggression or attack at the several settlements, the admiral commanding her Britannic Majesty's naval forces will very shortly propose to concert with the diplomatic agents and naval commanders of foreign states, on the spot, respecting the adoption of such combined arrangements as may be practicable and expedient.

I avail myself of this opportunity to renew to you the assurances of my high regard and consideration, with which I subscribe myself your obedient, humble servant,

EDWARD ST. JOHN NEALE,
Her Britannic Majesty's Chargé d' Affaires, &c., &c., &c., in Japan.

General R. H. PRUYN,
Minister Resident of the United States in Japan, Yedo.

Mr. Seward to Mr. Pruyn.

No. 39.] DEPARTMENT OF STATE,
Washington, April 17, 1863.

SIR: Your despatch of the 27th of January last, No. 8, has been received, and I have the pleasure to inform you that in addressing the note of the same

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day, of which you enclose a copy, to their excellencies the ministers of foreign affairs of Japan, on the subject of the attack on the British legation in June last, you have very acceptably fulfilled the instructions conveyed to you in my No. 24.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., *Yedo.*

Mr. Pruyn to Mr. Seward.

No. 16.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, April 30, 1863.

SIR: I have the honor to inform you that his Majesty the Tycoon left Yedo on the 31st ultimo for Kioto, to which place his guardian, the regent of the empire, and also all three of the ministers for foreign affairs, have repaired; the two other members of the council being charged with the department of foreign affairs ad interim.

This visit has been made on the invitation, or perhaps the order, of the Mikado. No such visit has been made by any Tycoon for two hundred years. The event, therefore, has great significance.

The leading daimios of the empire will, at the same time, meet there in council. It is conceded by the ministers of the Tycoon, as I have already informed you, that the Mikado is hostile to foreigners, and has demanded their exclusion from Kanagawa. In this he is encouraged and sustained by at least two of the eighteen powerful daimios.

I indulge the hope that the result of this meeting will be to sanction the policy of the Tycoon, strengthen his power, effectually disarm the hostile daimios, and give peace to the empire.

All kinds of rumors prevail, such as the abdication of the Tycoon, the abandonment of Yedo as the seat of government, and many others of like character, all of which I believe to be false.

I am informed by the government that the Tycoon will soon return to Yedo; and it is now said that he is already on his journey.

In this connexion, I invite your attention to a memorandum of a conversation I had on the 23d of June last with Takemoto Deulio No Kami, one of the governors of foreign affairs, wherein you will see that he gave me the information that the Tycoon is outranked by at least four personages in this empire. The admission of this by the government is more extraordinary than the fact itself. It is undeniable, however, that at Kioto he occupies this subordinate position; but I have every reason to believe that the actual power and rule of the empire is vested in the Tycoon.

On the occasion referred to I asked the governor whether the Tycoon had also the title of Nai-dai-jin. After a short conference with the O'Metske, (censor,) who accompanied him, he replied in the affirmative. How long has he held that title? Answer. Three years. Has it not been conferred since his marriage, or on the occasion of his marriage with the Mikado's daughter? Answer. No; he has had it for three years. Who is the next person in rank to the Mikado? Answer. The Dai-jo-dai-jin. This answer was accompanied by the remark that the Tycoon had more power. I replied, I was aware of that; I am only speaking of rank. After some other conversation, the governor again referred to this subject, saying he did not know that any one filled that office now, and was not sure but what it was vacant. I then asked what is the next rank to that of Dai-jo-dai-jin? Answer. Sadaisin. What is the next to

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that? Answer. Udai-jin. What is the next to that? Answer. Then comes the Nai-dai-jin (Tycoon.)

I made several other inquiries as to the rank of the officers at Kioto, but the governor declared that he did not possess the requisite information to give me the answers.

I have thought it of importance to bring to your notice this first official acknowledgment, from an officer of the Tycoon, of the existence of more than one person in Japan of rank superior to that of the Tycoon.

I did not, at the time, regard this of sufficient importance to make it the subject of a special communication; but now that his Majesty the Tycoon has seen fit to appear at the court of Kioto, where he is thus outranked, I have thought it worthy of your notice.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 17.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 1, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch (No. 29) of the 13th December, 1862, which, immediately on its receipt, I read to the governors for foreign affairs; on which occasion I again urged, in the strongest possible manner, the necessity of bringing the offenders in the tragical transaction therein referred to to punishment, and to make reparation without delay.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 21.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 3, 1863.

SIR: I have the honor to inform you that on the 19th ultimo I received a letter from the minister for foreign affairs, of which I enclose translation, enclosure No. 1, in relation to the postponement of the time fixed for their reply to the British demands. I was on that day waited on by Mragake Awadli Go Kami and Jakemolo Hayato No Kami, two of the governors for foreign affairs, as the ministers, in consequence of being charged with the entire business of the empire, in the absence of their colleagues, were unable to explain their wishes in person.

After a full and frank conversation, in which they informed me that it was impossible to act in the absence of the Tycoon and his counsel, I advised that the ministers of foreign affairs should address a letter to the British minister, taking care to base their application on the ground of the necessity of such conjoint action, and not on the ground of convenience. I also advised them to

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enclose a copy of such letter to the minister of France, and ask his friendly interposition, and requested, also, that a copy be sent to me for your information. I now enclose No. 2, translation of their second letter to me, and No. 3, translation of their letter to the British minister, accompanying the same.

I immediately proceeded to Yokohama, and had an interview with the British and French ministers. The latter was either not disposed or unable to accompany me to my interview with Colonel Neale.

I found the British minister unwilling to grant the extension asked, because he thought it unnecessary, and only designed to gain time. It was finally agreed that I should call the next day, after the letter from the ministers which I enjoined him was to be sent had been received, when he would see whether it was evasive; in which event, he declared the time should not be extended. When I saw him the next morning the letter had been received, but not translated. After it had been placed in his hands, and we had conversed at some length, he informed me the arrangement must necessarily be made direct with the Japanese government, in the propriety of which I concurred.

As one of the governors for foreign affairs had, unfortunately, invited Fekohama to call on the French minister, and Colonel Neale understood he had likewise come down to see him, the business was not positively concluded, though I was certain the delay would be conceded. Fortunately, the governor called on the British minister, though he had been instructed not to do so. I say fortunately, as I am satisfied offence would have been given if he had not done so, though the result was, that the time finally granted was limited to fifteen days, instead of the thirty days asked. I enclose No. 4, copy of Colonel Neale's letter, informing me of such extension.

The government have since thanked me for my friendly interposition, and informed me that they attributed the successful result of their application entirely to my mediation.

I have this day had an interview with one of the governors for foreign affairs. He informs me the Tycoon arrived at Kioto on the 21st day of April; that two governors have been sent to hasten his return—one overland, the other by sea, and they hope to be able to arrive at a decision within the time fixed. The government has promised to keep me fully and promptly advised of all their movements.

I regret we have no national vessel here. The Wyoming, I am informed, has been badly injured by striking a sunken rock, and been obliged to go to dry dock at Amoy.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident at Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Japanese ministers to Mr. Pruyn.

[Enclosure No. 1.—Translation.]

We have to inform your excellency that the British minister, by letter of the 6th instant, has fully acquainted us with a demand his government instructed him to make, stating that a decisive answer is required within twenty days from the date of that letter.

It is desirable, however, that an extension be granted, as the letter, under present circumstances, cannot be answered soon.

We therefore request you to mediate for the obtainment of an extension of the limit as above stated. From the treaty such great friendship may be ex-

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pected; and also, because we experienced your friendly feeling on more than one occasion.

The government of foreign affairs, Muragaki Awadli No Kami and Takemoto Hayato No Kami, under our instructions, will fully inform you of all the circumstances; and we now ask you, taking this into due consideration, for your friendly offices in this matter.

Stated with respect and esteem, the 3d day of the 3d month of the 3d year of Bunkin, (the 19th April, 1863.)

MATSUDAIRA BOODZEN NO KAMI.
INOWUYE KAWATSI NO KAMI.

His Excellency ROBERT H. PRUYN,
Minister Resident of the United States of America, &c., &c.

Japanese ministers to Mr. Pruyn.

[Enclosure No. 2.—Translation.]

We have to inform your excellency that the British envoy has recently communicated to us a demand for damages and other matters in relation to the murders committed last year at Tosenji, (British legation at Yedo,) and in the village Nama-mungi, (September, 1862.)

After all our efforts to arrange this, we are at last compelled to send him such a communication as submitted in accompanying copy of the same. Should it happen that this communication is not acceptable to him, it will have an influence in the relations between the two countries and lead to difficulty, which gives us profound anxiety.

We therefore beseech your excellency to lend us your aid, and specially endeavor to induce the British minister to grant us the request which we cannot avoid making.

A similar application was also sent to the French minister at once, and we now urgently request your excellency to consult with him and lend us your friendly offices.

Stated with respect and esteem, the 4th day of the 3d month of the 3d year of Bunkin, (the 20th April, 1863.)

MATSUDAIRA BOODZEN NO KAMI.
INOWUYE KAWATSI NO KAMI.

His Excellency ROBERT H. PRUYN,
Minister Resident of the United States of America, &c., &c.

The Japanese ministers to Colonel Neale.

[Enclosure No. 3.—Translation.]

We have to inform your excellency that your letter (No. 14) of the 6th of April, 1863, after being translated, was sent by special messenger to our colleagues who are with his Majesty the Tycoon, on his journey, as we recently stated to you. They at once represented the matter to his Majesty the Tycoon, and sent us a reply in writing, which we have now received.

"According to law and usage in our empire the matter has first to be considered at the meeting of the guardian of his Majesty the Tycoon. the regent and council of State, after which a decision is to be taken; it cannot be done in another manner; further, it is very inconvenient that. while on a journey, such an arrangement cannot be made In order, however, to lose no time, and in view of arranging what you stated in a convenient manner, as soon as possible, the time will be shortened from what was first intended: and within thirty days from now his Majesty would be back in the castle." Hence it is stated

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to us, "that his Majesty the Tycoon entertains no doubt that such an unavoidable delay will be admitted by the government of England;" which we have to state at once.

And we most urgently request that you will consent to the above

With respect and esteem, the 4th day of the 3d month of the 3d year of Bunkiu, (the 20th April, 1863.)

MATSUDAIRA BOODZEN NO KAMI.
INOWYE KAWUATSI NO KAMI.

His Excellency E ST. JOHN NEALE,
Chargé d'Affaires and Consul-General of Great Britain, &c., &c.

Colonel Neale to Mr. Pruyn.

[Enclosure No. 4.]

YOKOHAMA, *April* 25, 1863.

SIR: I have the honor to inform you that communications have been made to me in urgent terms by the Japanese ministers, which have resulted in the accordance, on my part, of an additional period for the definite and categorical answer to the demands I have made, under instructions from her Britannic Majesty's government.

The extended term now allotted will terminate on the 11th of May next, inclusive, when the same situation of affairs will prevail, as I have already had the honor to refer to, should the demands remain unsatisfied.

I have the honor to be, sir, your most obedient, humble servant,

EDWARD ST. JOHN NEALE.
H. B. M's Chargé d'Affaires, &c., &c., &c., Japan.

General R. H. PRUYN,
Minister Resident of the United States of America, Japan.

Mr. Pruyn to Mr. Seward.

No. 22.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 3, 1863.

SIR: In my despatch (No. 15) of the 10th ultimo I informed you of a demand made by the British government for reparation for the murders of June and September last, and enclosed you a copy of the letter which her Britannic Majesty's chargé d'affaires sent me a few days after he had read me the note he was preparing to address to the Japanese government.

Since that time a correspondence has taken place between the British chargé d'affaires and myself. I hasten to enclose copies, as follows:

No. 1. Colonel Neale to Mr. Pruyn.
No. 2. Memorandum of meeting held at the British legation in Yokohama.
No. 3. Mr. Pruyn to Colonel Neale.
No. 4. Colonel Neale to Mr. Pruyn.
No. 5. Colonel Neale to Mr. Pruyn.
No. 6. Memorandum, to provide for the safety of foreign residents at Yokohama.
No. 7. Mr. Pruyn to Colonel Neale.
No. 8. Mr. Pruyn to Colonel Neale.

I submit these letters without remark, hoping that nothing will be found in those written by myself which the President will disapprove.

I have felt from the outset that the course of the British government has been a most extraordinary one. No one can deny that the occurrence of September, however unfortunate, was purely accidental. It is conceded that under the same circumstances a Japanese would have been killed. It is likewise conceded that the nationality of none of the parties attacked was known. Indeed, the governor of Kanagawa despatched a messenger that evening to our consul, under the impression that one of the wounded men was an American.

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And yet I have strongly urged a compliance with the demand, though I view it with feelings I shall not permit myself to express.

I have also pointed out the danger of the demand being withdrawn, and largely increased if not promptly complied with, sums being demanded to meet the expenses of the fleet and for damages to business sustained by merchants.

Failing success in this, I shall recommend the Japanese government to propose submitting the whole case for settlement to the President of the United States or the Emperor of Russia, or both, or even to the British government.

If the demand must be complied with without modification or even discussion, as the British minister declares, results of the most deplorable character may follow. No country is so susceptible of defence as this. There are no roads for artillery. The whole country is intersected by ditches and canals, and covered by rice fields. The people, or rather the two-sworded men, are as reckless of life as any people that ever existed, and no hostile force can hold any considerable portion of this empire without the sacrifice of thousands of lives and millions of money.

A ship leaves for San Francisco on the 5th instant. I shall inform you if anything decisive meanwhile occurs.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident at Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Enclosure No. 1.]

No. 26.] YOKOHAMA, *April* 17, 1863.

SIR: I do myself the honor to transmit for your information the copy of a memorandum which I have addressed to her Britannic Majesty's consul at this port with a view to its circulation among British residents. I have likewise instructed her Majesty's consul to communicate the same to his colleagues, the consuls of all other foreign states.

I have the honor to be, sir, your most obedient, humble servant,

EDWARD ST. JOHN NEALE.

General PRUYN,
Resident Minister of the United States in Japan.

[Enclosure No. 2.]

Memorandum.

A meeting was held at the British legation this day, the 16th April, 1863, of the following authorities, viz:

Rear-Admiral Kuper; Colonel Neale, her Britannic Majesty's chargé d'affaires; Captain Massot, commanding his Imperial Majesty's ship-of-war Duplex, (representing also his excellency Monsieur Duchesne de Bellecourt, minister plenipotentiary of France, absent from ill health;) Captain Cosembroot, commanding his Netherlands Majesty's naval forces in Japan; Captain Brine, royal engineers.

The object of the meeting was stated, and understood to be to elicit the opinion of the naval authorities respecting the degree of protection which could be afforded by the ships-of-war available to the foreign residents at Yokohama, in the event of the settlement being seriously threatened.

After due deliberation and discussion, it was decided that there was not a sufficient force at present in Japan to guarantee perfect security to the foreign community at Yokohama in the event of an attack in force by the Japanese.

British residents at Yokohama are therefore individually advised to adopt such measures for their security as may be in their power before the 26th instant, so as to be prepared for the contingency of hostilities being entered upon.

Arrangements will be made by the officers commanding ships-of-war in this port, in conjunction with the guards on shore, to render all possible assistance in case of alarm, and the details of which will be communicated in due course.

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A copy of this memorandum will be transmitted through her Majesty's consul to the consuls of friendly states for the information of the subjects of their respective nations residing within this settlement.

E. ST. JOHN NEALE.

YOKOHAMA, *April* 16, 1863.

True copy.

ABEL A. G. GOWER.

[Enclosure No. 3.]

No. 45.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, April 18, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch of the 7th, and also letter of the 17th instant, enclosing memorandum of a meeting held at her Britannic Majesty's legation the day before.

Although confined to my bed by sickness, and subject to intense spasms of pain, such as I never experienced before, I hasten to make a few remarks for your consideration

I regret to see that at this late day Rear-Admiral Kuper and the naval officers of France and the Netherlands now in command at Yokohama have come to the conclusion that the means at their command are insufficient for the protection and defence of that settlement, as from your communication of the 7th instant, in which you say "that Admiral Kuper will concert with the diplomatic agents and naval commanders," &c., an impression was certainly conveyed of an entirely different character.

I sincerely regret that no notice or invitation to assist at that meeting was given to me, as the diplomatic representative of the United States, as I would then have had an opportunity of explaining my views more fully. Such an opportunity not having been afforded me, I have to say, if it be now intended that it is impossible to afford protection in the event of an unprovoked attack on the settlement, that I have no observation to offer, as in such a contingency the attack must be met and resisted with the means at hand; but I do not believe it at all likely that such attack will be made.

But if, as I suppose, you refer to hostilities which may ensue at the expiration of the time noted by you, in consequence of the refusal of the Japanese government to accede to the demands you have been instructed to make, and of measures being resorted to to enforce these demands, then I feel it my duty to say that it is probable that this people, like all Oriental nations, have an exaggerated idea of their own strength; any temporary advantage which they might gain would probably arouse the whole country and deprive us of advantages which we have now secured, and which we could never regain except by the expenditure of life and treasure of infinitely more value than those advantages.

It appears to me, therefore, the dictate of wisdom, that no coercive measures be resorted to by any power, unless ample means be at hand for the defence and protection of life and property at the settlement.

The memorandum communicated to all the foreign consuls for the information of foreign residents must necessarily be known to the Japanese, and may be regarded by them as a declaration of weakness, as well as an invitation to attack.

It appears to me, further, that such of the treaty powers as have a valuable commerce with this country, and citizens and subjects residing here, who have made large investments, should desire to avoid establishing a precedent which may lead at some future time to great loss of life and property.

What is now done by Great Britain while there is a powerful fleet in these seas may hereafter be attempted by some one of the treaty powers with a force wholly inadequate for the protection of residents.

I shall be pleased to learn that these views, thus hastily submitted, are substantially in accordance with your own already arrived at.

I have been induced to submit them for your consideration in consequence of our peculiar relations with this government, which will always be inclined to regard the treaty powers as one, and not be able to discriminate between them in the event of hostilities, and because the United States and Great Britain, having the largest commerce here, and the largest interests at stake, are most concerned in the preservation of peaceful relations.

I have the honor to be, sir, your most obedient, humble servant,

R. H. PRUYN,
Minister Resident of the United States in Japan.

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[Enclosure No. 4.]

No. 28.] YOKOHAMA, *April* 20, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch dated the 18th instant, which reached me at a late hour the same evening.

I hasten in the first place to express the hope that you are recovering from the indisposition from which I was sorry to find you were suffering when you wrote.

Allow me to assure you that I have read with much attention the observations you have addressed to me respecting the serious situation of affairs at present existing between the government of her Britannic Majesty and the government of this country.

Before entering upon the particular points of your despatch, I must beg leave to remind you that in the matters at present at issue, I am acting under explicit instructions which have been furnished to me by my government after due consideration of all the contingent circumstances which might attend a peremptory demand for reparation arising out of unrequited outrages committed upon British subjects.

The execution of those instructions is, therefore, on my part a paramount and imperative duty

I would next take leave to say that the general tenor of your views regarding the present situation of affairs, though doubtless applicable and just when regarded in the sole light in which you have presented them, namely, that of commercial interests—those views, in my humble opinion, are wholly inapplicable when weighed in the balance against the offended dignity of a great nation.

No nation more frankly, loyally, and assiduously watches over, and administers to, the interests of its subjects abroad and at home than Great Britain; but there is a point when the absolute necessity for punishing the defiant and offensive course often pursued by semi-barbarous states must and should override and suspend all such considerations.

Entertaining these sentiments, which I had hoped were equally participated by yourself, I had come to the conclusion that, had you deemed it to be your duty to take a friendly or intervening part at all the preliminary stages of the existing differences, you would have joined your remonstrances with my own addressed to the offending government of Japan, with a view of discouraging its unwarrantable course of action

But so far from there existing any perceptible results out of the identity of interests, as you justly observe should exist, between the subjects of her Britannic Majesty and citizens of the United States in Japan, tending to demonstrate to the Japanese, especially in the present critical situation of affairs, a mutual sympathy between the subjects and citizens of two nations having the largest commercial interests in this country, it is, on the contrary, a most regretable and notable fact that in this serious crisis, verging towards a rupture of relations and hostilities, the Japanese government actually derive their supply of arms through the active agency of merchants and traders of the United States established in this country.

Current reports proclaim a still more active agency on the part of the United States citizens in behalf of Japanese—preparations for resistance, which, if they were subjected to proof, would ill accord with the spirit of the conjoint action and policy suggested by Mr. Seward to the British representative at Washington in December, 1861, and communicated to her Britannic Majesty's government, on which occasion he specially proposed that the powers which had treaties with Japan should make a joint demonstration in support of their rights.

The right which her Majesty's government at present most justly insist upon is that of obtaining reparation and redress for barbarous outrages committed upon British subjects, and all appeals for which have hitherto been treated with indifference and disregard

In conclusion, permit me, with reference to that part of your despatch in which you refer to the circumstances of my having omitted to request your presence at a meeting which took place at my residence on the 16th instant, to offer to you the following explanations:

In the present condition of affairs, the expediency of inviting the authorities to elicit their views upon some technical points suddenly arose, and was speedily carried out. The fact of your residence at Yedo would forbid my entertaining the hope that you could respond to such an invitation under two or three days.

Secondly As I had not had the honor of receiving any acknowledgment or communication from you, consequent upon my first circular communication of the 7th instant, I had no reason to suppose you desired to take a direct part in an incidental discussion of minor importance. And,

Thirdly. That the sole object of the meeting at my house on the 16th instant, and in which I took no part beyond recording the decision arrived at, was to elicit the professional opinion of naval officers as to the means existing for the protection of this settlement. Had, therefore, a ship-of-war of the United States been in port, her commander would unquestionably have been invited to attend.

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I trust these reasons for my apparent omission may be deemed by you to be sufficient. And it only remains for me to add that, should it happen in the progress of passing events that a meeting of my colleagues, the diplomatic agents of the treaty powers, appears desirable, I shall not fail to communicate the same to you, although, for the reason first assigned, such may be only a formality.

I have the honor to be, sir, your obedient, humble servant,

EDWARD ST. JOHN NEALE.

General R. H. PRUYN,
Minister Resident of the United States in Japan.

[Enclosure No. 5.]

YOKOHAMA, *April* 22, 1863.

SIR: I have the honor to enclose for your information, and that of the American citizens through the United States consulate, a copy of a general order which Rear-Admiral Kuper has issued to her Britannic Majesty's squadron at this anchorage, detailing the arrangements made with the view of providing for the safety of the foreign community in the event of any attack or disturbances.

Copies of this general memorandum will be sent to the officers commanding vessels-of-war now in port.

I have the honor to be, sir, your most obedient, humble servant,

EDWARD ST. JOHN NEALE,
Her Britannic Majesty's Chargé d'Affaires, Japan.

General R. H. PRUYN,
Minister Resident of the United States of America, Japan.

[Enclosure No. 6.—General memorandum.]

EURYALUS, AT YOKOHAMA,
April 22, 1863.

The following arrangements, having been determined upon with the view of providing for the safety of the foreign community of Yokohama in the event of any attack or disturbance, are made known for general information and guidance:

The signals of alarm which will be used are:

By day.—The English red ensign hoisted at the flag-staff of Mr. Clarke, Portuguese consul, at any of the other consulates, or other conspicuous points.

By night.—A rocket from the British consular prison, or from the French legation, to be repeated if the danger is imminent, or a blue-light or port-fire from the British legation, the house of Mr. Maine, adjoining the eastern quay, or from that of Mr. Gower, the last house in the foreign settlement, near the custom-house.

Should either of these signals be made, (by day or night,) two guns in rapid succession, fired from one or other of the gunboats anchored in shore, will give the requisite notice of danger to the settlement, and the boats of all the vessels-of-war in port will immediately assemble at the eastern quay, (the general rendezvous,) adjoining Mr. Maine's house; one-half of the boats to be manned and armed; the remaining, with half-crews, in readiness to embark the foreign residents, should this extreme measure be necessary.

The men are on no account to be permitted to land without orders from Captain Dew, of the Encounter, the officer in command, who, with such officers as he may select, is charged with the duty of superintending on shore.

The whole of the boats will be under the orders of Captain Josling, of the Euryalus, or, in the event of his absence, of such other officer as the senior officer present may direct.

Guard-boats will be stationed by night near the bend, to convey to the nearest gunboat any notice of danger, in order that the signal may be made for the assembly of the boats at the rendezvous.

The English boats to be stationed on the eastern part of the settlement, the French in the centre, the Dutch on the western.

The officer in command of the legation guards is hereby requested to make arrangements, in conjunction with the officers in command of the French legation guard and the Yokohama volunteer corps, for establishing picquets and patrols as follows:

Picquets by night—at the British legation, royal marines; Mr. Maine's residence, volunteers; Mr. Gower's residence, adjoining custom-house, 67th regiment; and at the British consular prison, 67th regiment.

Also by night, patrols (mounted or infantry, as most convenient) to communicate with the posts above mentioned.

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The guards at each of these posts will (in case of an attack in force) retire gradually on the general rendezvous, the officers in command having previously satisfied themselves that the foreign community resident within their respective lines of retreat have been apprised of the danger.

The masters of the British merchant vessels at this anchorage, having at a recent meeting unanimously resolved to place the boats of their respective ships at the service of the community, under my directions, those gentlemen are requested (in the event of the alarm-signals being made) to send their boats immediately to the general rendezvous, in accordance with their resolutions, but not to allow any of their men to land.

The above arrangements are to come into force on Saturday, the 25th instant.

AUGUSTUS L. KUPER,
Rear-Admiral and Commander-in-Chief.

To the respective captains, commanders, and officers commanding
her Majesty's ships and vessels at this anchorage.

True copy.

ABEL A. J. GOWER.

[Enclosure No. 7.]

No. 49.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, April 23, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, covering copy of a general order issued by Rear-Admiral Kuper, with the view of providing for the safety of the foreign community in the event of any attack or disturbances at Yokohama.

I have the honor to be, sir, your most obedient, humble servant,

R. H. PRUYN,
Minister Resident of the United States in Japan.

Colonel E. ST. JOHN NEALE,
Her Britannic Majesty's Chargé d' Affaires in Japan.

[Enclosure No. 8.]

No. 50.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, April 30, 1863.

SIR: As you are already aware, your despatch of the 20th instant was sent to Yedo while I was on the way to see you, at the request of the Japanese government, in reference to the extension of the time fixed for their reply to the demands made by your government.

The time thus occupied, the interviews with the Japanese government consequent thereon, and a visit to Yokohama to make the necessary inquiries to enable me to notice that part of your letter relating to the sale of arms by citizens of the United States, have prevented an earlier reply.

I have already thanked you for your kindness in reading to me the note you were about to address to the Japanese government, conveying the decision which the government of Great Britain had taken; and as on that occasion you had informed me that you were acting under explicit instructions, it was far from my thoughts, while writing my letter of the 18th, to attribute to you the disposition to act with undue haste. On the contrary, I can bear willing witness to the kindness and considerate forbearance which, as far as I have observed, has marked your intercourse with this government. Nor was it my purpose to express an unfavorable opinion with reference to the action of the British cabinet.

I had in view only the safety of American citizens. My solicitude was increased by the fact that among those citizens there was a larger number of women and children than of all other nationalities combined. In the absence of a national vessel of the United States, and of any offer of protection to those women and children from any source whatever, I could but deplore a notice which appeared to contemplate the possible abandonment of the place, and was a deliberate declaration—a few days before the expiration of the period, when you had assured me measures might be taken which might eventuate in hostilities—of the insufficiency of the force at Yokohama for the defence of the place.

I felt it my duty to refer briefly to the serious consequences which might follow such abandonment, or from a partial success of the Japanese; and not being aware of the precise character of your instructions, I hoped they might be such as to enable you to postpone a resort to such measures until better prepared for defence. I have carefully re-

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viewed my letter, and see nothing in its language or its spirit which I regret or would desire to modify, particularly as I had not failed in my conversation with you, before referred to, to express my opinion with great freedom, and to assure you of my desire for the prompt and satisfactory adjustment of the demands. I take this occasion to assure you that I had no idea that my delay in acknowledging the receipt of your letter of the 7th could be attributed to a want of sympathy. You had already given me more information than that letter contained, for which I thank you; when your letter followed, I regarded it as formal, and for the purpose of record, and as I had held several conversations with the Japanese government, I indulged the hope that I would be able to communicate to you information which might at least give promise of an amicable settlement when acknowledging its receipt. I need not remind you that on the day succeeding the murder of Mr. Richardson, Mr. de Wit, his Netherlands Majesty's consul general, and myself obtained with much difficulty, because without the customary formalities, an interview with the ministers for foreign affairs, and made every effort to awaken them to the necessity of prompt and vigorous action and ample reparation. Nor have I since failed to bring this subject repeatedly to their notice, and to urge the danger of delay, and the advisability of proffering satisfaction in advance of a demand And I have it in my power to say, and after this I trust my position cannot be misunderstood, that I have more than once advised a compliance with the demands of your government, on one occasion reading to them immediately on its receipt a letter in which the hope of the President was expressed that ample reparation would be made.

I also assure you that I have not been unmindful of the wise and humane proposition made by Mr. Seward to the British representative at Washington, in 1861, to which you refer, which was also made to the other treaty powers. On the tenth day of April, two days after the receipt of your letter, I referred to it in a letter addressed to my own government. I thought it proper, however, in writing you, to avoid expressing any regret that the government of Great Britain had not thought it desirable on the present occasion to act in concert with the other powers, thinking it more respectful to leave such expression to my government if it thought proper to make it.

If I rightly understand Mr. Seward's proposition, he desired to establish the principle that the treaty powers, recognizing their identity of interest and their exposure to a common danger, should abstain from separate action, and make common cause in maintaining common rights, and securing the common safety of their citizens and subjects. It was a wise suggestion, because it insured unity of action and moderation and equity of demand; it was humane likewise, because necessarily attended with peaceful results.

The proposition was made shortly after intelligence had reached him of the murder of Mr. Heusken, a subject of his Netherlands Majesty's, temporarily in the employ of the government of the United States. It was made neither because the United States felt unable of itself to enforce, if needful, just reparation, or was unwilling to incur the sole expense.

For the sake of a salutary precedent, a specific demand for redress was waived. A moderate provision for Mr. Heusken's widowed mother, who was dependent on him for support, was accepted nearly a year after his death by my predecessor on his own responsibility, but not in satisfaction of his murder, the Japanese government at that time being distinctly informed that the arrest and punishment of the murderers was demanded.

With reference to the supply of arms "through the active agency of merchants of the United States established in this country," which you state as "a regretable and notable fact," I have to say that I have made strict inquiry, and am satisfied that with one exception no sales whatever have been made by citizens of the United States to any Japanese since the sixth instant. And I have reason to believe that in the case referred to, the sale was made without reference to the present relations with Japan, and consisted of a small parcel brought over in the British steamer Leemin. I examined particularly into the sale of pistols you referred to, when I asked for specifications. The number of pistols sold was less than forty, and, with one exception, to foreign residents. These are only sales by citizens of the United States, with the exception of five hundred muskets sold to the daimio charged with the defence of Yokohama, which was on a contract made before you presented the demand of your government, and, if I mistake not, the arms were also actually delivered before that time.

A part of the exaggeration may have arisen from attempts made by British merchants to effect sales through merchants of the United States, of which I have been informed on reliable authority. I have also been informed that one sale, whether shortly after or before your note was sent in I am not sure, was actually made by a British merchant, but I am also informed that he can plead in mitigation of his offence that the contract was not consummated, as the arms were so poor as likely to be most destructive to those who used them.

I was startled by that part of your letter wherein you say, "Current reports proclaim a

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still more active agency on the part of the United States in behalf of Japanese preparation for resistance, which, if they were subjected to proof, would ill accord with the spirit of the conjoint action and policy suggested by Mr. Seward." &c.

I had the honor to receive your explanation of this remark, which was, that on one occasion, at night, a small boat was going up the creek adjoining Yokohama and was hailed. Some one responded it was Mr. Conner who was on board, which was untrue, as those who hailed were in his employ and knew to the contrary, and on the hail being repeated the answer was that it was Mr. Banks, the assistant United States marshal. It did not seem to occur to you that the second reply was probably as false as the first. The significance of this alleged transaction consisted in the fact of his official position, which I had the power to inform you at that time had terminated on the first of January last. Neither does it appear that the contents of the boat were known. I cannot see why it should have been assumed that arms were on board. Our consul informs me that extensive smuggling operations have recently been carried on of ale, wines, and other articles of bulk, to which his attention has been called, and I think it more likely that in the case referred to a fraud was being perpetrated on the custom-house.

I am informed that the sales of arms, at least those made by citizens of the United States, have been made openly, and I cannot imagine, therefore, why the cover of night should be sought for their delivery. It is proper also that I should say that Mr. Banks solemnly denies all knowledge of the transaction referred to, or of any sale or carriage of arms whatsoever, and it is not pretended that he was identified.

As I am informed that nearly if not quite all the arms which have been brought to Yokohama came in British vessels, you have more opportunity of ascertaining what quantity has arrived than I have, particularly as you are in the place, and I am twenty miles distant.

You well know how little reliance can be placed on the reports of which Yokohama is the prolific parent, and I hope you have already had reason to distrust some of those to which you have referred.

In noticing this part of your letter I have waived the reply which might have been made, that all the transactions referred to, limited as they are in number and quantity, have been openly made in a time of peace, which I still hope will happily continue.

Should you regard it of sufficient importance, I shall be happy to join with you in any investigation you may judge needful, and I am convinced that the citizens of the United States will be found as little liable to censure as those of any other nation. I shall feel it my duty in this important crisis to attend any meeting of my colleagues which may be found necessary. A notice given in the evening would bring me to Yokohama the succeeding day

Thanking you for your kind wishes for the restoration of my health, which is happily effected, I am, sir, your most obedient, humble servant,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

Colonel E St. John Neale,
Her Britannic Majesty's Chargé d' Affaires in Japan.

Mr. Pruyn to Mr. Seward.

No. 24.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 8, 1863.

SIR: I have received from the minister of France an important communication, with an enclosure, copies of which I hasten to transmit to you, agreeably to his request, together with translations of the same, Nos. 1 and 2.

I also transmit No. 3, copy of my reply.

Colonel Neale, her Britannic Majesty's chargé d'affaires, also addressed me a letter, of which I enclose copy, (enclosure No. 4,) together with No. 5, copy of my reply.

At the expiration of the time noted, I understand it is the intention of the ministers and admirals of France and Great Britain, in the event of the refusal of the Tycoon to accept the proffered aid, to resort to measures of coercion.

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I have barely time to prepare this for the mail, and send it without further remark.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Confidential.]

LEGATION AND CONSULATE GENERAL OF FRANCE IN JAPAN,
May 5, 1863.

SIR: I have had the honor to inform you, verbally, of the position taken by France in regard to the reparation demanded by England for the attacks made on several occasions against British subjects, a question which, though especially regarding the English nation, yet has, in view of the various circumstances under which it presented and developed itself, a character of general interest for all the powers having treaties with Japan, because the denial of the right of security guaranteed to foreigners by solemn conventions must necessarily affect in a serious manner the obligations contracted by the Japanese empire with the western world.

The government of his Majesty the Emperor of the French deeming it proper, by the presence of the French flag in the Yedo waters, near the flag of England preferring the demand for satisfaction, to give proof of the solidarity which in such case must unite the western powers, has given to Admiral Jaurés, commanding-in-chief the forces of France in the China and Japan seas, the requisite instructions to carry out this object as he may judge proper, according to the nature of the circumstances and the facts within his knowledge, as well for this special question as for all others.

Already on the 21st of April last, under the impression that the Yedo government might be inclined again on this occasion to evade the demands for reparation presented by the government of the Queen of Great Britain for the blood shed with impunity, I had, previous to the arrival of Admiral Jaurés, felt the necessity of clearly acquainting the government of Japan with the opinion of France on the Anglo-Japanese question.

I think it proper, sir, to transmit to you herewith a copy of the letter which I wrote to the Gorogia on that occasion.

Meanwhile Admiral Jaurés, having re-established order in Cochin China, fortunately arrived here to study seriously with the minister of the Emperor the grave questions which at this moment are presenting themselves.

We went to work immediately, and have conscientiously studied the state of affairs in all its phases and from all points of view. Being then called to the councils of the British authorities, according to established custom in these parts, where our two nations always show themselves united in the cause of Christian civilization, we, Admiral Jaurés and myself, while keeping in view our instructions of moral support, have supported a course of conciliation. I was preparing myself to enter frankly upon this course with the Japanese government, when reliable intelligence enlightened us upon the importance of this government, even in matters of the most limited importance, in consequence of the state of excitement at which now the parties have arrived, which are carrying all the elements of moderation in the Japanese confederation and the government of the Tycoon itself to a state of things amounting to annulment of the treaties of 1858.

Documents of the most conclusive nature on the deplorable disposition of the daimios and the court of the Mikado in regard to foreigners have been laid before us, and these documents perfectly agree with those which two months ago came into the hands of your excellency, the authenticity whereof was guaranteed to you by the government of the Tycoon itself about the time that an envoy of the Gorogio informed the legations of France and England that the Tycoon was going to Kioto for the purpose of quieting the effects of the opposition of the Japanese princes against the treaties. This was the day before the diplomatic residences at Yedo were destroyed by fire.

We have then judged, in view of the present unsettled state of the minds of the higher classes in Japan, that, in the first place, regard should be had to guarantee as much as possible the execution of the treaties, evidently threatened by this deplorable crisis which has lasted so many months already and is indefinitely lengthened; and that, in order to arrive at a satisfactory result, or one in agreement with the nature of our treaties, we had best leave special questions to one or other of the treaty powers, and take advantage of the

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presence of the naval forces of the two nations, to frankly offer to the regular government, with which we have treated for the empire of Japan, the support which may be useful to it, in order to triumph over the blind antagonists of its foreign policy.

I have, therefore, in concert with the representative of Great Britain, made to the government of the Tycoon the formal proposition of the full support in the present circumstances, not only of the forces now assembled in Kanagawa roads, but also of such additional force as may be necessary.

We shall await for some days the answer of the government of the Tycoon, after which, in case of refusal, we leave to this sovereign the entire responsibility of his acts or the events, by acting according to circumstances, and with the consciousness of having exhausted all the means of arriving at understanding and conciliation, to find ourselves only in presence of formal refusals, either to just demands, or to frank, useful, and regular propositions.

I hope, sir, as also does my colleague of England, that this line of action will receive the approbation of all the governments having treaties with Japan, and that you will be pleased to submit it to the government of the United States.

Be pleased, sir, to accept the assurance of the high consideration with which I have the honor to be your excellency's most obedient, humble servant,

DUCHESNE DE BELLECOURT,
Minister Plenipotentiary of France in Japan.

His Excellency GENERAL PRUYN,
Minister Resident of the United States.

The Minister of France to the Gorogio.

YOKOHAMA, KANAGAWA, *April* 21, 1863.

EXCELLENCIES: I exceedingly regret at this grave juncture that an accident which seriously affected my health this last fortnight prevented me from communicating to the government of the Tycoon, as well my personal views, always animated by the sincerest feelings of equity and conciliation, as those of the government of his Majesty the Emperor of the French, my august sovereign, respecting the question of the demand now being presented by the government of her Majesty the Queen of England on the subject of the several murderous assaults upon British subjects in the empire of Japan, where the government of the Tycoon had solemnly engaged itself to guarantee free movement and security to foreigners.

Notwithstanding the illness which prevented my occupying myself actively with the business now pending, I have had an opportunity of obtaining information upon all the various phases of the present situation, and I have embraced every opportunity to give to the government of the Tycoon my advice and the opinion of the imperial government, hoping that this advice, and my comments which accompanied it, might have some influence upon the decision of the Japanese government.

Time passes rapidly, though without bringing any solution; and from the silence kept towards me by the high government of Japan, even in regard to the various questions specially relating to France, notwithstanding the steps I personally took at Yedo in February last, I must conclude that my officious (officieates) communications have not reached the Japanese government in the manner in which I took care to present them in a conversation which I had with the minister of the United States on the important subject of the British demand.

Hence it is now my duty to renew this communication to the Japanese government more directly, in order that it may be enabled to derive from it, in the discussions which may arise in the councils of state in the present situation, such benefit as may best subserve the interests of justice, as also those of the quiet and tranquillity of this empire, with which the European powers have no other object than to live in perfect harmony under that unchangeable respect for the rights and the dignity of all the treaty powers of which the principles of international law prescribe to all nations a scrupulous observance or courteous reparation when accidental offence has been given to the right or the dignity of one or other amongst them.

The government of the Emperor has been informed by the British government that the representative of her Majesty the Queen of Great Britain had received instructions to claim, from the government of the Tycoon, justice for the barbarous assaults so audaciously committed by subjects of the Japanese empire upon British subjects.

The Japanese government will acknowledge that the government of the Emperor of the French has given earnest proof of its kind disposition towards Japan.

Taking into consideration in various respects, and for a certain time, the internal diffi-

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culties which, as stated by the government of the Tycoon, it meets with in the execution of the treaties; but, on the other hand, and even because of the cordiality of which it has so often given proof to the Japanese government, it has deemed proper in the interest of the Japanese government itself to manifest its opinion on the bearing of the obligations of the government of this empire in such regretable circumstances as those now in question; hence the imperial government, actuated by the hope that this manifestation of opinion would furnish the government of the Tycoon with additional argument to triumph over the obstacles which its disposition to respond to the demands of England might encounter on the part of obstreperous minds, has decided that the presence of the French flag in the waters of Yedo, when the representatives of her Britannic Majesty would present the demand, should establish, in promotion of a happy solution of the present difficulties, its concurrence in opinion, which in this case joins it to the just cause, which the government of the Queen of Great Britain finds itself in the incontestable right to maintain, by claiming from the sense of justice of a government so enlightened as that of the Tycoon an honorable satisfaction for the blood of its subjects, shed with impunity in the entire absence of provocation in time of peace, and contrary to all principles of natural as well as of treaty rights.

In bringing this communication to the knowledge of the high government of Japan, I cherish the hope that the result, the accomplishment of which the government of my august sovereign has had in view in taking this decision, will only promote peace and good relations between Japan and the western powers.

DUCHESNE DE BELLECOURT,
Minister Plenipotentiary of France.

LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 7, 1863.

SIR: I have the honor to acknowledge the receipt this morning of your excellency's letter of the 5th instant, transmitted through the United States consulate at Kanagawa.

The views therein communicated by your excellency, as to the propriety of giving support to the Tycoon, are in harmony with those expressed at our conference at Too Senje, the day succeeding the unfortunate murders of June. It has always appeared to me that it was the true policy and duty of the treaty powers to give to this government moral support, and material support even, if called on, against the hostility which the liberal policy it has inaugurated has naturally aroused in a portion of this empire.

The harmonious and vigorous co-operation of all the treaty powers in support of the Tycoon would be regarded by me as likely to confirm his power, and peaceably, but not the less effectually, to bring about a favorable solution of all the internal troubles of this empire growing out of its foreign relations, and all its complications with the treaty powers.

It would, moreover, be in accordance with the proposal of the President of the United States to the treaty powers in 1861.

I shall transmit a copy of your letter to my government with great pleasure, though I expect to receive instructions on the question before your letter will have reached the United States.

On the 16th of February last I communicated to my government the information that the government of Japan feared a civil war might take place, and had asked me what course the United States would pursue in such event; to which I had replied, "that the United States would be deeply interested in such a struggle, and that all the moral support it could render, and all the material support which would be justified by international law, would doubtless be given; and that it was my opinion that, if called on by the government of the Tycoon for aid, all the treaty powers would be justified in giving it in self-defence, and would give it if, as was said, the object of the hostile daimios was to drive out foreigners."

I have reason, therefore, to hope that even by this time our respective governments may have interchanged views on the subject in question.

Should the government of his Majesty the Tycoon be disposed meanwhile to accept the assistance of the fleets of France and England, now in these seas, I have no observation to offer, as neither your excellency nor our colleague of Great Britain has done me the honor either to invite me to your conference or to ask my opinion in reference to the results of your deliberations.

The government of his Majesty the Tycoon has, I have reason to believe, full faith in the peaceful and friendly disposition of the government of the United States, but at the same time, also, full knowledge of the conditions attached thereto, as it has very recently,

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as heretofore, been distinctly informed, pursuant to express instructions given me to that effect, "that it can only have friendship, or even peace, with the United States, by protecting citizens and subjects of foreign powers from domestic violence."

Your allusion in your letter to the Gorogio of the 21st ultimo, with a copy of which you have kindly favored me, to a conversation with myself, induces me to remark, that though your excellency made no request that I should make the Japanese government acquainted with the opinions you expressed, I did not fail, in view both of your absence from Yedo and your unfortunate accident, to make known that your excellency was of opinion that the demand of her Britannic Majesty's government should be promptly complied with, and that your excellency expected the French admiral to arrive here for the purpose of testifying to the sympathy of his Imperial Majesty's government with the British demand for reparation.

Be pleased to accept, sir, the assurance of the high consideration with which I have the honor to be your excellency's most obedient, humble servant,

ROBERT H PRUYN,
Minister Resident of the United States in Japan.

His Excellency DUCHESNE DE BELLECOURT,
Minister Plenipotentiary of France in Japan.

No. 36.] YOKOHAMA, *May* 6, 1863.

SIR: I have had the honor on more than one occasion to communicate to you the situation of the differences pending between her Britannic Majesty's government and that of Japan, arising out of the barbarous murders committed upon British subjects.

The last intimation which I had the honor to make was, to acquaint you that, upon the earnest representations of the Japanese government, I had extended the term for a definite reply to the categorical demands for reparation which I had been instructed by my government to make to the 11th instant.

As the period approached for the expiration of this new term, my colleague, the representative of his Majesty the Emperor of the French, in pursuance of his instructions, informed the Japanese ministers of the entire sympathy of the Emperor's government with the just cause in which her Majesty's government found itself at issue with that of Japan, and of the desire of the Emperor that the French flag should appear by the side of that of Great Britain, during the demonstration which might become necessary to bring the Japanese government to a true sense of its duty and of its treaty obligations.

In this conjuncture, Rear-Admiral Jaurés, commanding his Imperial Majesty's naval forces in China and Japan, has arrived at this anchorage, when, after judging for himself of the situation of affairs, he has declared his firm and resolute intention of acting in concert with the British admiral in the present critical situation of affairs.

Under these circumstances, the natural result has been the adoption of a just action between the diplomatic and naval authorities of the two nations in respect to the present difficulties.

Impressed with these sentiments, and taking into earnest consideration the evident difficulties of the Tycoon's government, arising out of the increasing hostility of certain powerful daimios, thereby placing in peril the very existence of the Tycoon's dynasty and its incapacity to carry out its treaty engagements, my colleague of France and myself have distinctly informed the envoy of the Gorogio, Ta Ke-Moto-Kai-no Kami, conjointly, and in the presence and with the concurrence of the British and French admirals, that, desirous of averting by all possible means in our power, and to the last extremity, all interruption of peaceful relations, the British and French admirals were prepared to strengthen the hands of the Tycoon's government by an active co-operation against the hostile daimios, who have ranged themselves under the banner of the Mikado, to wage a war of antagonism against the Tycoon, and under pressure impede him from carrying out the obligations he has deliberately contracted with foreign states.

The grounds upon which this proffered aid is based is, 1st, the avowal of the Tycoon's government itself of the opposition it encounters in its relations with foreigners, on the part of certain powerful daimios specifically named; 2d, upon the knowledge which has been conveyed to us of peremptory and arrogant written appeals addressed to the Tycoon and his counsel, by eleven of the most influential of those daimios, against all intercourse with foreigners, and the authenticity of which is not denied by the government envoy; and, finally, upon a correspondence between the Mikado and the Tycoon, wherein the former enjoins the immediate expulsion of foreigners; the authenticity of which, as you are aware, and did us the honor officially to inform us, was, with slight reserve, acknowledged by the Tycoon's government.

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The proffer of assistance thus made with as much frankness as earnestness must necessarily be communicated to the Tycoon himself, and with this view an additional term has now been solicited and granted for its acceptance or rejection; or, in other words, whether it will accept such undoubted and unmistakable proof of our earnest desire to make every possible allowance for the difficult situation of the Tycoon and his government, by coming now to its aid, in order that it may become enabled to carry out its inevitable obligations, or take upon itself the responsibility of a refusal.

The new term referred to extends to the 21st instant, at the expiration of which I shall again have the honor to inform you of the situation of affairs; but I would especially request your attention to the fact that the fresh term now accorded, during which no aggressive act will be directed against the Japanese government and territory, is conditional, the Japanese envoy having consented to arrest the lamentable condition of affairs at Yokohama, and to adopt measures to arrest any further departure of the inhabitants, and assuring, also, the provisioning of the town. A failure in carrying into effect these engagements will be held by the British and French admirals to be an initiative of hostilities on the part of the Tycoon's government, which is avowedly, and, in fact, sufficiently strong to put a stop to a panic purposely instigated with a view to plunder and confusion. A continuance of the present condition of affairs on the part of the Japanese authorities will, therefore, necessitate, on the part of the British and French admirals, corresponding measures, which, should they become necessary, will be duly communicated to the representatives of foreign states.

I have the honor to be, sir, your most obedient, humble servant,

EDWARD ST. JOHN NEALE.

General R. H. PRUYN,
Minister Resident of the United States in Japan.

No. 53.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 8, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant. I was this day informed by the government that a letter had been received from the minister for foreign affairs at Kioto, stating that his Majesty the Tycoon had arrived in that city on the 4th, and had an interview with the Mikado on the 7th of this *third* month, which had been continued from 10 o'clock a. m. till midnight; that his reception had been agreeable in all respects, and far more pleasant than he had anticipated; that his final audience was to have taken place on the 12th, and the time for his departure was fixed for the 14th of this third Japanese month; but that the Tycoon, at the time of their writing, had been ordered to remain for some days longer, and that the day when he would leave was therefore unknown.

The tenor of the letter led the government to expect there would be a better accord between the Mikado and the Tycoon.

I was also informed at the same time that Ta-ke-mo-to Kai-no-kami had that day left for Kioto on a special mission to the Tycoon in reference to the proposals made by yourself and the minister of France; that it was expected *seven* days each way would be occupied in his journey, and one day for his stay in that city, and he was expected to return on the 23d instant.

I cherish the hope that an arrangement may be made which will finally determine the policy of this empire and preserve to it the blessings of peace.

I have the honor to be, sir, your most obedient, humble servant,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

Colonel E. ST. JOHN NEALE,
Her Britannic Majesty's Chargé d' Affaires in Japan.

Mr. Pruyn to Mr. Seward.

No. 25.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 8, 1863.

SIR: I was this day informed, by order of the Gorogio, by Jakemoto Hayato No Kami, one of the governors for foreign affairs, of the details of the interview between the ministers and admirals of France and England with Jakemoto Kai No Kami and himself, as the envoys of the Gorogio.

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They had several times declined the offer of assistance to the Tycoon, fearing that the knowledge even that such a proposition had been made might disturb the peace of the empire; but that finally, as the ministers and admirals were not satisfied with their answer, the government has reluctantly agreed to despatch an officer in whom they had entire confidence to the Tycoon, and that the first of the two governors named had accordingly been despatched for the purpose of making known to the Tycoon this offer, and return with his reply.

This governor, Hayato No Kami, further stated that the whole matter had been kept secret, and was unknown even to his colleagues, the governors for foreign affairs—the knowledge being confined to the two governors named and the Gorogio.

Unless a collision shall have taken place at Kioto, or the civil war, which I wrote you on the 16th of February last was feared, shall break out or appear imminent, I do not anticipate the offer will be accepted. I believe that if the alternative be distinctly presented, a foreign war will be accepted, if thereby a civil war may be averted, calamitous as it may prove.

I have the honor to be, sir, very respectfully, your obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 26.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 11, 1863.

SIR: I have the honor to transmit herewith (No. 1) copy and translation of a letter from the minister of France, supplementary to his letter of the 5th instant, copy of which formed enclosure No. 1 of my despatch No. 24, and No. 2, copy of my reply to the same.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Enclosure No. 1.]

Mr. Bellecourt to Mr. Pruyn.

LEGATION AND CONSULATE GENERAL OF FRANCE IN JAPAN,
Yedo, May 8, 1863.

SIR: With reference to my letter of the 5th instant, I beg to call your excellency's attention to an important point relating to the fresh extension granted in the conference of the same day between the French and English representatives and admirals; one of the conditions of this postponement being that the governor of Kanagawa should at once put a stop to the deplorable state of things resulting from the cessation of all trade and the disappearance of all servants and coolies in the employ of foreigners; on non-compliance with which the admirals would consider that in suffering this state of things to remain the Japanese themselves take the initiative of hostilities, and would then, in the interest of the general security of the settlement of Yokohama, take all measures rendered necessary by the state of affairs. It is agreed, sir, that in such call we would immediately inform you of these measures.

Be pleased to accept, sir, the renewed assurance of the high consideration with which I have the honor to be your excellency's most obedient, humble servant,

DUCHESNE DE BELLECOURT,
Minister Plenipotentiary of France in Japan.

His Excellency ROBERT H. PRUYN, Esq.,
Minister of the United States in Japan.

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[Enclosure No. 2.]

Mr. Pruyn to Mr. Bellecourt.

No. 54.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 11, 1863.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 8th instant, of which, being supplementary to your letter of the 5th instant therein referred to, I shall also transmit a copy to my government.

Be pleased to accept, sir, the assurance of the high consideration with which I have the honor to be your excellency's most obedient, humble servant,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

His Excellency DUCHESNE DE BELLECOURT,
Minister Plenipotentiary of France.

Mr. Pruyn to Mr. Seward.

No. 27.] LEGATION OF THE UNITED STATES,
Yedo, May 12, 1863.

SIR: England and France have offered to assist the Tycoon against the hostile daimios. The offer will probably be declined. Then coercive measures will follow. The United States steamer Wyoming is at Kanagawa.

I have the honor to be, sir, your most obedient, humble servant,

ROBERT H. PRUYN,
Minister Resident, &c., &c.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

The above is a copy of the despatch sent to the collector at San Francisco, to be sent by telegraph to Washington.

Mr. Pruyn to Mr. Seward.

No. 28.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 12, 1863.

SIR: I regret to be obliged to inform you that on the 6th instant, as the Japanese people were leaving Yokohama, large bodies of laborers marched through the streets of the place, demanding payment of the sums due for wages. A number gathered before the house of R. Schoyer, an American citizen, threatening his life and property. Mr. Schoyer paid a large sum for labor which was not actually due under his contract. Another body gathered before the place of business of Monsieur Bourret, a French subject, making similar demands in his absence; here, being probably too excited, his clerk, Dupontes, fired on the contractor, who headed them. About the same time the vice-consul of France, La Peyrouse, arrived, and also shot the man, who likewise received two bayonet wounds from one or more of the French guard.

The previous evening Mr. J. O. P. Stearns, an American citizen, was attacked on his own premises by some laborers, and greatly bruised; he was fortunately rescued by his servants.

On the morning of the 6th, Mr. Samuel Robertson, an American citizen, was seized in his house and forcibly carried off (as he thinks) towards the swamp in the rear of Yokohama, for the purpose of putting him to death. Mr. Robertson was fortunately rescued by some Americans, and some of the British guard.

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I have not received any report from our consul on these matters; he is now engaged in taking testimony. I have, at the request of the Japanese government, to which I made vigorous remonstrances, instituted some inquiries.

I propose making no specific demand for reparation, other than the punishment of the offenders.

I abstain from making any demand for pecuniary compensation, though strongly urged to do so, in the absence of full knowledge of the facts; because I think such demand would be ill-timed now, and because I think it proper to submit the whole case to the President.

Whatever demand be made should be made after due deliberation, and then never abandoned.

I will inform this government that I propose referring the case to the President, taking care to notify them that the punishment meanwhile of the offenders will be viewed with satisfaction by the President.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 29.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 26, 1863.

SIR: I regret to have to announce to you the total destruction by fire of the buildings occupied by this legation in this city at two o'clock in the morning of the 24th instant.

The books and archives of the legation, with the exception of some printed volumes, I am happy to say are saved, though mostly in a more or less damaged condition. A heavy rain was falling at the time, and it is difficult to say which had the mastery in the work of destruction, rain or fire.

Although the buildings were about two hundred feet long, and the fire commenced at the end farthest from the office, when I attempted to save some of my clothing and furniture, after attending to the public property, I was borne off by the Yakunius in charge, who remonstrated on account of the danger.

In fifteen minutes the entire building was in flames. You will find it difficult to understand this unless you bear in mind that all the partitions are of exceedingly light wood and paper, with thicker paper where privacy is to be secured.

All my furniture, with a few trifling exceptions, is destroyed, but I think myself and each of my family can boast a change of clothing.

I received information a few moments ago that the mail steamer leaves for Shanghai early to-morrow, and have no time to enter into particulars.

I desire to believe, for the sake of this government as well as our own, that this fire was purely accidental. Still, for weeks, and even for months past, repeated attempts have been made to induce me to leave Yedo.

A few hours after the fire occurred I received several visits of condolence from various governors of foreign affairs by order of the Gorogio, at all of which it seemed taken for granted I would at once leave for Yokohama. I was assured, however, of protection while here.

I have replied that I have no fears for my personal safety, and never had, and have demanded that other quarters be assigned me.

While desiring to avoid the charge of being foolhardy, and not disguising the fact that all our citizens at Yokohama advise and desire me to leave Yedo, I have determined not to do so at least till other quarters have been assigned me, and my right of residence here be thus acknowledged.

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It is possible that I may then leave on a visit of a few weeks to Yokohama, as the Tycoon and his ministers are still absent, and at the present time it may also be well to be near my colleagues. I am happy to say that no injury was sustained by any person.

The Yakunius on guard were active and kind. The number of guards around the premises on the night of the fire was over 500. As the flames spread I was obliged to go from building to building on the premises, and it was a singular spectacle, as I passed the different guard-houses, to witness the men seated quietly at their posts, while the air was filled with huge sparks which were flying over them.

If the building was purposely fired, no better night could have been selected to prevent the spread of the conflagration.

The adjoining temple was not destroyed, only the legation buildings, three dwellings occupied by priests, the building occupied by the officers of the guard, and a few of the guard-houses.

Captain McDougal kindly offered to come up with the Wyoming at once, but I promptly declined his offer, desiring him to remain at Yokohama for the protection of our citizens.

While believing that my remaining at Yedo thus far will meet the approval of the President, I hope that, should I find it advisable to leave for a season, it will not receive his censure, but that he will kindly consider that I have stood fire long enough in the absence both of life and fire insurance companies in this city.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 30.] LEGATION OF THE UNITED STATES IN JAPAN,
Yedo, May 26, 1863.

SIR: The time fixed for a reply to the British and French proposals expired on the 21st instant.

I have been confidentially informed by this government of the nature of the reply. The offer of assistance is declined. While assurances are given of its willingness to pay the sum demanded by the British government, it is represented that it must be at some future day, after the Tycoon has succeeded in quieting the troubles which prevail. It is urged that the payment at this time would precipitate civil war; that there is a good understanding between the Mikado and the Tycoon, and that the authority of the latter will soon be greatly strengthened, and that as soon as the sum can be paid with safety it will be done.

As the interview with the British and French ministers terminated only yesterday, I have not been informed how they are disposed to regard this, but presume they will consider it evasive and insincere.

I have several important papers emanating from the Mikado and Tycoon, some of which are acknowledged to be genuine, which induce me to fear that a settled purpose has been formed to endeavor to avoid the treaties, though the government entirely disavows any such desire or purpose.

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As I have few conveniences for writing, and so little time, I shall be obliged to postpone for a few days sending you copies of these papers.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pruyn.

No. 41.] DEPARTMENT OF STATE,
Washington, June 6, 1863.

SIR: Your despatch of the 16th of February (No. 10) has been received.

The President cheerfully leaves you to exercise your own discretion as to the waiver of any points that may arise between yourself and the government of the Tycoon in regard to the change of the location in Yedo for the residence of our legation. You are, however, to confer, and, if possible, agree upon the subject with the representatives of the other treaty powers.

The letter of the Mikado to the Tycoon is ominous of serious disturbance of the relations which have recently been inaugurated with so much effect through the concert of the principal maritime powers, and which have promised such great advantages to the general cause of progress and civilization. You will represent to the ministers of foreign affairs that it is not at all to be expected that any one of those powers will consent to the suspension of their treaties, and that the United States will co-operate with them in all necessary efforts, and by the use of all necessary means, to maintain and secure the fulfilment of the treaties on the part of the Japanese government. In communicating this determination, you will take care to avoid, as far as possible, any expressions which might be regarded as disrespectful or minatory, while you will, on the other hand, leave no room for the supposition that this government can separate itself, in any way, from the interests of the other treaty powers. The occasion is one of such great importance, that I have thought it expedient to communicate to those powers a copy of this paper, together with such portions of your despatch as are necessary to its elucidation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, *&c., &c., Yedo.*

Mr. Pruyn to Mr. Seward.

No. 31.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 12, 1863.

SIR: I have the honor to inform you that I remained in Yedo until the afternoon of the 31st ultimo. I thought it needful to do so, though greatly to the sacrifice of comfort, in maintenance of my right of residence.

Having secured a grant of a temporary residence and a promise that it should be at once fitted up, I had completed my arrangements to leave Yedo, meanwhile, for this place, when at 3 o'clock p. m. of Sunday, the 31st ultimo, I was waited upon by Matsuidara Suani No Kami, governor for foreign affairs, who stated that he had been sent by the ministers to inform me of the discovery of a conspiracy to attack the legation that night; that papers disclosing such intention had fallen into the possession of the government; and that nearly 500

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ronins (two-sworded men without means of support) were at that time assembled at a place known to the government for such purpose; that three daimios had been charged with the duty of surrounding them; that it was feared they might take the alarm and disperse, or, if attacked, some might escape, and, in either event, the attack on the legation still be made; and that in the confusion consequent thereon, serious injury might be done to myself or some one attached to the legation; that a large additional force had been sent for my protection; but that if I would consent to leave Yedo that afternoon in one of their steamers, the government would be relieved from great anxiety, and would be able to act with more vigor against the ronins.

I did not feel at liberty to insist upon remaining. No useful object could be gained thereby, as I intended, in any event, to leave in the morning, and as this was known to the government, it seemed hardly credible that their alarm was feigned. It appeared to me, therefore, that it would be foolhardy to remain, particularly as my residence at that time was outside the line of guards and incapable of perfect protection, and that in the event of an attack and consequent injury, my doing so would not be justified by the President.

About 5 o'clock p. m., surrounded by a full regiment of guards, I left for the hattoba, (wharf,) and embarked for the steamer Tsho-Yo-Maro. On my arrival it was found that officers and engineers were on shore, and no orders had been given for my reception, thus confirming me in my opinion that it was not a mere contrivance for hastening my departure. Shortly after, these officers began to appear, steam was got up, and the vessel prepared to leave.

At this time the Swiss envoy, who had arrived at Yedo a few days before, made his appearance. When called on and urged to leave Yedo, he had first repaired to the United States legation to learn my intention. Finding that I had already left for the wharf, he had consented to go on board for the night, but had declined to leave, as his furniture, clothing, presents, &c., were all unpacked. When he found the vessel was about starting, he expressed his surprise, and informed me he could not possibly prepare for his departure earlier than in two days.

The captain offered to carry him back to Yedo after I had disembarked at this place. I finally arranged for his transfer to another vessel, where he spent that night, and to which he repaired each night during the remainder of his stay at Yedo. He arrived at Yokohama a few days after my departure.

Before the Swiss envoy had been transferred to the other vessel I received a message from the minister of foreign affairs, asking me to persuade him to leave Yedo, which I declined to do. After my arrival here, I received a formal letter, making the same request; but I declined to influence, in any way, his decision.

About 3 o'clock p. m. of the day before I left Yedo, a two-sworded man had been murdered near the legation, and very near the place of Mr. Heusken's murder. I have information, on which I think reliance can be placed, that this man was one of the murderers of Mr. Heusken, and that he was well known as such in Yedo, having frequently made boasts to that effect. I have the honor to enclose (No. 1) copy of a paper furnished me by the British minister bearing on that point; it is one of a series of reports he has obtained by means of the secret service fund placed at his disposal. My information was received from an entirely distinct source, a person in government employ, and who, at the time he made his communication, did not appear to comprehend the bearing it might have, showing the falsehood of the repeated declarations of the government of its inability to discover and apprehend the murderers.

I regret to say that though the ronins thus gathered to attack the United States legation have been arrested, they have not been punished, but are actually now in the pay of the government.

I have complained of this, and the answer given is, that the word ronin

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means a person destitute of the means of support, and that there are many good men among them, and the government must discriminate.

I have also asked for information as to this murdered man, and his connexion with Mr. Heusken's murder. Of this the governor, with whom I had the conversation, denies all knowledge, saying that it was *conjectured* he was the chief of the ronins, but not known as such, as his head was cut off and had disappeared, and he could not be identified. This I know to be false, as on the day of the murder some Japanese officers from the legation visited the place of the murder, where the body still laid, awaiting the appearance of an officer similar to our coroner, and they at that time described the head as being only partially severed from the body.

As to his participation in the murder of Mr. Heusken, the same governor denied having heard any such report, and said if such a rumor prevailed it was probably unfounded.

I consider it useless to write to the ministers on the subject, as their answer will doubtless be the same. It is difficult to know what to believe, or even to believe anything.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Information received on June 8, 1863.

Kiokawa hatciro, the chief of the anti-foreign loonins (disbanded retainers) at Yedo, who was connected with the murder of the regent I-Kamin-no-Kami last year, that of Mr. Heusken, the secretary of the United States legation, and implicated also in the first attack on her Majesty's legation, as well as in the attempted murder of Ando Tsusima No Kami, (member of the Gorogio,) was killed about a week ago, at Yedo, by some of his own companions, in the middle of the day, and near the spot where Mr. Heusken received his wounds. He was killed in consequence of his having changed his mind as to the plan determined upon for the extermination of foreigners, stating that it was useless to assault, at the time agreed upon, the American legation, where there were but three citizens, including the minister, and thereby endanger or render more difficult their general slaughter at Kanagawa and Yokohama on the 24th of their fourth month, (10th of June, 1863.)

His brother, in revenge, went to the Gorogio, and, announcing himself as a loonin, confessed all the plans which had been agreed upon, and which they had bound themselves to carry out. Hence the precautionary measures taken by the government, the placing of the Tycoon's guards around Yokohama, the efforts resorted to to induce the American minister to leave Yedo, and the detention in daimios' palaces of seven or eight of the leaders of this band, having arrested some thirty, and the greater part of whom have been since set at liberty.

Mr. Pruyn to Mr. Seward.

No. 32.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 15, 1863.

SIR: I have the honor to transmit No. 1, copy of a letter addressed by me to the French minister, informing him of the destruction by fire of the United States legation buildings at Yedo, and Nos. 2 and 3, copies of replies from the French minister and British chargé d'affaires, to whom a similar letter had been addressed by me.

The consul general of the Netherlands left Nagasaki on his way to Java.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

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[Enclosure No. 1.]

Mr. Pruyn to Mr. D. de Bellecourt.

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 9, 1863.

SIR: I have the honor to inform you of the destruction by fire of the buildings occupied by the United States legation in Yedo, on the 24th ultimo, at 2 a. m.

As I have already unofficially stated to you, the fire originated in the kitchen, or in a small building adjoining, and in fifteen minutes from the time of its discovery, enveloped so completely the entire buildings as to allow me only opportunity to save the public archives.

My interviews with the Japanese government in relation to the cause of the fire, and provision for another residence, and my temporary removal to this place, must be my apology for the delay in this official announcement.

I have no wish to attribute the destruction of the legation buildings to design, nor have I any reason for any such belief, aside from the great desire which has been constantly shown to have me take up my residence in this place.

Some occurrences calculated to excite suspicion had attracted my notice, which I have frankly stated to the government. While their force has been admitted, I am, nevertheless, assured that the evidence taken establishes, beyond a doubt, that the fire was accidental.

The government has prepared plans for a temporary residence for me in the large temple within the enclosure, which was not destroyed, and I suppose the work on such temporary residence has been commenced. I remained in Yedo one week after the fire to arrange this, refusing to leave the city, even for a visit to this place, until I had positive assurances of such provision for my residence at Yedo.

I had fixed the time of my departure from Yedo on such visit for the 1st of June, but was induced to leave late in the evening of the day preceding, on receiving notice from the government of the discovery of an organization to attack myself and the guard that night. I was informed that an additional force had been sent for my protection, but that, in the event of a night attack, some accident might happen to me. The additional argument was strongly urged that my removing that afternoon would leave them free from apprehension for my safety, and enable them to act with more vigor against the conspirators (ronins,) whom the government, at the very time, were causing to be surrounded.

Under these circumstances I did not feel at liberty to refuse leaving a few hours earlier than I had intended.

It is my present intention to resume my residence at Yedo early next month.

I have the honor to be, sir, your excellency's obedient, humble servant,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

His Excellency DUCHESNE DE BELLECOURT,
Minister Plenipotentiary of France in Japan.

[Enclosure No. 2.]

Mr. D. de Bellecourt to Mr. Pruyn.

[Translation.]

LEGATION AND CONSULATE GENERAL OF FRANCE IN JAPAN,
Yokohama, Kanagawa, June 10, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, informing me of the destruction by fire of the United States legation buildings at Yedo, and of the circumstances which induced you to hasten the arrangements taken for a short visit to Yokohama.

Your excellency is aware of the sympathy I felt at this untoward event. I beg to add that I hope, with you, that the Japanese government will prove, by energetic action, that, under pretext of domestic troubles, it will not allow that clause of the treaties to be set aside which stipulates the right of residence of the diplomatic agents in Yedo.

Be pleased to accept, sir, the assurance of the high consideration with which I have the honor to be, your excellency's most obedient, humble servant,

DUCHESNE DE BELLECOURT,
Minister Plenipotentiary of France in Japan.

His Excellency General R. H. PRUYN,
Minister Resident of the United States in Japan.

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[Enclosure No. 3.]

Colonel Neale to Mr. Pruyn.

YOKOHAMA, *June* 12, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch (No. 64) of the 9th instant, upon the subject of the destruction by fire of that portion of the temple at Yedo which was occupied by the United States legation.

I beg to express my extreme sympathy and deep regret at this untoward and unexpected event. That it was occasioned by the act of political incendiaries, of which you have some suspicion, I have little doubt, judging from the contents of past and passing events of a similar character. The general plan (now evident and not disavowed by the Japanese government) for the expulsion of foreigners from localities where their presence is most distasteful, is visibly enacting before our eyes. The multiplicity of grievances, and absence, at present, of fitting opportunity, having special matters on hand, alone retards the sweeping away of the ill-advised and futile efforts which more or less hostile parties in Japan oppose to the entire and complete execution of treaty obligations. For myself I beg leave to declare that I will enter upon that work systematically, taking the obstructions presented to us *seriatim*, in the order of their importance.

I have the honor to be, sir, your most obedient, humble servant,

E. ST. JOHN NEALE,
Her Britannic Majesty's Chargé d'Affaires, &c., &c.

General ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

Mr. Pruyn to Mr. Seward.

No. 34.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 16, 1863.

SIR: I have the honor to inform you, that after a protracted negotiation, and the extension several times of the period noted for the acceptance or rejection of the British ultimatum, the Japanese government have signed an obligation to pay the sum of $440,000, demanded for the murders at To-den-ji in June, 1862, and of Mr. Richardson in September last.

Of this amount, $140,000 is to be paid on the 18th instant, and the balance is to be paid in weekly instalments of $50,000 each.

Negotiations are still pending in reference to the demand made of £25,000 from Satsuma, and for the arrest and punishment of the murderers of Mr. Richardson. The British minister informs me there would be no hesitation on the part of the government to assume and discharge this additional sum claimed, but that, thus far, he has not separated the demands. He further states that these negotiations will probably be somewhat protracted, and that there are difficulties on both sides. The government informs me that the murderers made their escape immediately after the commission of the crime, and that Satsuma has made repeated attempts to discover them, but without success.

You will perceive by reference to my despatch No. 50, of 1862, that I urged their immediate arrest, and predicted this very result, unless prompt measures were at once taken for that purpose.

I presume this part of the claim will be abandoned, which I should regret, as I think it will cause the Japanese to depreciate our character.

In my despatch No. 15, I informed you that I thought the money would be paid. I arrived at this conclusion because I had strongly urged the payment, as a measure of prudence and of real economy, to avoid heavy demands for mercantile damages, and for expenses of the fleet, which would inevitably follow; and because Takemoto Hayato-no-kami, with whom I had several conferences on the subject, and who is high in the confidence of the Gorogio, had informed me that he had advised it, though he said if it were known his life would not be safe till he reached the castle.

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You will perceive by the enclosures I send, that a decision had been arrived at adverse to any concession whatever.

As I have already informed you, the Tycoon left on the eve of the demands for Kioto, accompanied by all the members of the Gorogio connected with the administration of foreign affairs. He still remains at the Kioto with two of these ministers, one having returned a few days since.

It is the general belief that the Tycoon will never be permitted to leave Kioto, while many affirm he will be deposed.

The families from which the Tycoon is elected are Kshii, Owari, and Mito. The present Prince Mito was a candidate for election against the present Tycoon, who is of the family of Kshii.

It is certain that Mito, who has been opposed to foreign intercourse, is now acting as vice-Tycoon at Yedo. The enclosures show that he was clothed by the Mikado with supreme power, for the purpose of carrying out the policy determined upon at Kioto, to exclude foreigners. The work which appeared easy of execution at that distance, and while he was surrounded by proud and hostile daimios, and an arrogant heaven-born Mikado, assumed such formidable proportions when he arrived at Yedo, as to deter him from his purpose; and he has been obliged to yield, as every Tycoon must eventually do. There will always be a formidable minority, however, or I should rather say, majority, who will struggle, ineffectually, to bring back what they call the "ancient custom." The government, while compelled to act otherwise, will, for many years, represent a small minority of the daimios, who are the sole governing class.

It is not yet known whether Mito, before abandoning his hostile policy, obtained the consent of the Mikado and consul at Kioto, or whether he has acted on his own responsibility, relying on their acquiescence.

I think the presence of ships-of-war representing the United States, France and Holland, in the bay during the pendency of these negotiations, though exerting a silent influence, has greatly aided in producing this favorable result.

I have not been anxious till recently for the presence of any of our naval force here. But my opinions have undergone a great change, and I now content myself with the simple proposition. It must be obvious to the President that the presence of Commodore Perry's powerful fleet first opened Japan, and it is both natural and undeniable that the same means must be relied on, for some time at least, to preserve to the world what was thus gained.

It was the presence of the British fleet and of other vessels-of-war in these waters, which has brought about a peaceful solution of the late complications. My advice, and that of every representative of all the treaty powers, and of all powers combined, would have been powerless without such force. I hope my influence was not unfelt. I am gratified both at the result and apparent gratitude of the government for my friendly services in procuring an extension of time fixed for its decision, and my readiness at all times to advise with them.

The great distance of all the treaty powers from this empire makes it desirable that a powerful fleet should for some time to come remain permanently in these seas; and I submit to your better judgment the propriety of the treaty powers combining for that purpose.

When the British demand was made, impressed with the idea that the citizens and subjects of the other powers would receive protection, and that discrimination would be possible, and a measure desired by this government, I made every effort to procure a promise to that effect, suggesting, among other expedients, a joint declaration of the open ports as neutral territory. While such proposition was received with favor, it was invariably accompanied by the declaration that it was feared that such decrimination would be practically impossible. At that time I was under the impression that the government was acting in good faith, as I also now presume it was.

Other counsels, however, unquestionably prevailed at Kioto, and expulsion was

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decreed. The fear of being involved with the other treaty powers, as well as the threats of Great Britain, have doubtless had their effect in producing an abandonment, or at least suspension of that decision; or, perhaps, the necessary means and forces have not yet been collected.

Our relations continue as friendly as ever. But there never has been and never will be a time when the friendship of this country for the United States will cause it to change its policy.

It is idle to say that their friendship for any government is so great as to cause them to desire foreign intercourse. Our presence is only tolerated from necessity. The governing classes are not so blind as not to see the danger to which the presence of foreigners exposes them. A Japanese merchant cannot ride, cannot bear arms, and is in every respect, except wealth possibly, beneath even the two-sworded retainer of a daimio. The presence of merchants from abroad, possessing and exercising rights denied to their native merchants, is a danger felt and acknowledged; and repeated attempts have been made to induce the foreign representatives to require their countrymen to forego the exercise of these rights.

All foreigners, without distinction, you will perceive, have had a narrow escape. If Mito's change of views has been approved and adopted by the Mikado and the hostile party, we may reasonably hope for peace. But a like threatening storm may overwhelm us should the naval force be withdrawn, and the hostile daimios re-establish their influence over the Mikado, whose shadowy power they are attempting to resuscitate, in order to confirm their own; or it may break out at an earlier period if it shall be found that Mito has not acted up to his final instructions, and is, therefore, denounced as vacillating and weak, and another daimio clothed with power to direct the "exterminating war."

I enclose No. 1, copy of the orders of the Mikado to Mito; and No. 2, orders of the Tycoon and Gorogio; and No. 3, the Tycoon's order to the thirty-six principal daimios, to the same effect; for which valuable papers I am indebted to the kindness of the British minister, who informs me that he had referred to them during his negotiations, and their authenticity was not denied by the envoys of this government.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Enclosure No. 1.]

The Mikado's order to the Prince of Mito, May, 1863.

As you have been ordered by us to proceed to Kwanto (province round Yedo) for the protection of that province, you will act in regard to the expulsion of foreigners as if you yourself were Tycoon.

As your ancestors have always, up to the present, acted faithfully towards the Mikados, we expect you will act according to the spirit of your ancestors.

You will do your utmost, gathering together your adherents, to expel totally the foreigners, and sweep them away as it were with a broom; and you will inform us as soon as possible of the result.

[Enclosure No. 2.]

The Tycoon's order to the Prince of Mito, May, 1863.

As I have been ordered by the Mikado to stay a long time in Kioto, and as you are going to Yedo, (Kwanto,) and as you have received the Mikado's orders, I leave to you the conduct of affairs in regard to foreigners, to do what is right and proper, in order that the good name of Japan may not be lost.

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Note by the Gorogio.

At the desire of the Tycoon, Mito will proceed to Yedo and arrange everything with Owari and the Gorogio.

[NOTE.—The term "Gorogio" means five wise men. Three members were at this time at Kioto; two others at Yedo.—R. H. P.]

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[Enclosure No. 3.]

Memorandum addressed by the Shosidai, or Representative of the Tycoon at Miako, to the thirty-six principal daimios of Japan, April 15, 1863.

The reason why the English ships-of-war have arrived at Yokohama is on account of the murder of certain Englishmen by the retainers of Sabooro, at Nami Mugi, on his return from Yedo.

Three demands have been preferred in satisfaction; but as none of them can be accorded, we intend to reject them entirely. As this refusal will probably cause immediate war, we request you to assemble round your sovereign (the Mikado) like a wall, and to make the necessary preparations for war.

Therefore we send you this note beforehand, in order that you may be in readiness.

Mr. Pruyn to Mr. Seward.

No. 35.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 17, 1863.

SIR: I have the honor to inform you that, immediately after the destruction of the legation buildings, I received a very kind letter from M. de Bellecourt, minister plenipotentiary of France, placing at my disposal the buildings of the French legation at Yedo; and also one from Mr. de Brandt, the consul of Prussia, offering such spare rooms as he had in his residence at Yokohama for the accommodation of any of the gentlemen attached to this legation.

I have conveyed to both these gentlemen my warm thanks, merited by these proofs of sympathy and kindness, from which I know the President will derive great satisfaction.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pruyn.

[By Telegraph.]

DEPARTMENT OF STATE,
Washington, June 18, 1863.

SIR: You will co-operate with the representatives of the other treaty powers in any difficulties which may arise in Japan, and the Wyoming will obey your orders. You will keep this department advised of all your proceedings.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yedo.*

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Mr. Pruyn to Mr. Seward.

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 20, 1863.

SIR: I have the honor to transmit enclosures Nos. 1, 2, and 3, copies of important papers, for which I am indebted to the kindness of Colonel Neale, her Britannic Majesty's chargé d'affaires. These papers, he informed me, have been read by him to a governor for foreign affairs, and have been admitted to be genuine documents.

They are exceedingly interesting, and will serve to give you a very complete understanding of the condition of affairs.

I also enclose copies of two very important proclamations, the Japanese versions of which were handed to me by an American merchant, who understood they were letters from Matsudaira Etsizen No Kami, late regent, announcing to his agent at Yokohama that the Mikado was under the control of Satsuma, and other daimios hostile to foreigners, and that he was about retiring to his dominions.

It is known that this Matsudaira Etsizen No Kami was the only great daimio who, at Kioto, spoke against the project of excluding foreigners, which he did warmly and eloquently. Shortly after I received a letter from the ministers of foreign affairs, informing me he had been removed from the office of regent, and the cause stated, on my making inquiry, was, that he had not been removed for his friendship to foreigners, but for his returning to his principality without leave, which no one could do in Japan, however high in rank.

Whether the party from whom the papers were received intended to give them, or accidentally exchanged them for the letter he proposed giving, I cannot say.

The enclosure marked No. 4, I am assured by Takemoto Hayoto No Kami, governor for foreign affairs, is of a sacred character, and was handed by the Mikado to the Tycoon at an audience at which no other person was present. It is not signed by the Mikado, but receipted by the Tycoon, as he says was always the custom.

The enclosure No. 4 is his translation, which, you will observe, differs very materially from the others, in changing wholly the warlike features into those of peace.

Enclosure No. 6 is the translation made by Mr. Thompson, attached to this legation as tutor to my son, which was made before my interview with the governor.

In order to satisfy myself which was correct, I sent the Japanese version to the Reverend S. R. Brown, whose translation, agreeing in substance with that of Mr. Thompson, I also enclose, (enclosure No. 7.)

Through the courtesy of M. de Bellecourt, the French minister, I also received a translation by the abbe, Monico, a distinguished scholar, which substantially agrees with the translations of Messrs. Brown and Thompson.

Enclosures Nos. 5 and 8 are translations made by Messrs. Thompson and Brown of another proclamation received by me, which was on the same paper as Nos. 4 and 5. The governor said he knew nothing of any such proclamation, but it is unquestionably genuine. It would be very difficult, however, by any translation so to pervert its meaning as to remove its odious features, and the only course left was to deny its authenticity.

Time alone can disclose whether this government is acting with duplicity in their intercourse with the foreign representatives, or in their relations with the leading daimios.

The government of Japan is an oligarchy, and that in as odious a form as can be imagined.

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There are castes here as well as in India, from which, for generations, there is no escape. There is no such thing as a middle class. The merchant ranks below the mechanic. Whatever their wealth or education, both classes must go on their knees before the poorest daimio. The two-sworded men cannot labor, because it is a degradation. With incomes, they are the arrogant lords of all other classes; without incomes, they become their scourge.

Such a system could not be tolerated except in a country shut out from knowledge and the world, and where the cost of subsistence is at the lowest possible point through the joint operation of such exclusion, a prolific soil, and simple habits.

The ruling classes undermined the fabric of their power and of this government when they signed the treaty with Commodore Perry. Trade was not thereby at once introduced, but ideas were.

The mercantile class, and the people generally, are beginning to learn they have rights. A Japanese teacher said our people believe the United States have the best government in the world; we must have such a government; the power of the daimios must be broken; the people will govern; two-tenths of the power of the daimios have already disappeared. He further said the British demand does not perplex the government so much as our internal troubles.

His declaration that the power of the daimios has been so much lessened is not true, but it is undeniable that the people are beginning to understand that there are better systems of government, and also to desire an improvement in their condition.

The government assured me there is danger of civil war, as I have before informed you, the cause assigned being the differences between the daimios, growing out of foreign intercourse.

Should civil war come, as sooner or later it will, the power of the people will be felt, and whatever else may follow, their elevation will be its necessary and beneficial result.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

From the Daimios to the Tycoon.

This document is signed by the eleven daimios of Satsuma, daimio of Mito, daimio of Saga, daimio of Toosookarra, daimio of Awa, daimio of Aidzu, daimio of Mori, daimio of Koorada, daimio of Tionomatzi-yama (Date totonomi nokami,) totonomi nokami, daimio of Wakasa (Saikai Wakasa nokami,) and has created considerable excitement among the friends of government:

"We have to express our thanks for several acts lately passed by you, and for your plans for the future.

"You felt the necessity of exonerating the daimios from the troublesome and expensive journeys to Yedo. Unfortunately the changes made by you are very imperfect, although you gave us excellent reasons which ought to have induced you to effect a complete change instead of adopting semi-measures. If we must economize in order to fortify and prepare Japan to defend itself, and dictate its laws to foreigners, we imagine more money would be saved, and our object more speedily attained, if we were completely exonerated from one journey to Yedo. You informed a daimio who made this observation to you that the relations between the lords of Japan and the chief of the government could not be completely closed. But these relations might be kept up by deputies sent to you by the daimios; these deputies would communicate one idea to you. As you say you feel the necessity of resisting the encroachments of foreigners, we hope you will make radical changes.

"We have to thank you, secondly, for the just punishment inflicted on the daimios, and other members of government, who have behaved so cowardly in their intercourse with

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foreigners. The punishment is very light when compared with the crime, but we hope it will be a salutary warning. We, however, regret to say that those who profited by these punishments are unworthy of the confidence you place in them.

"You also speak to us for the first time about some persons you have sent to the foreign nations. We do not approve of this mark of respect shown to people who might misinterpret your intentions, and imagine that you endeavor to obtain the object in view by entreaty. It is an undeniable fact that the barbarians have gladly consented to your proposition, never to open the ports which have not yet been opened, and restrict their liberty and privileges in the ports already opened. They felt too delighted and too much honored in receiving Japanese who, although not high born, are respectable persons, and who must have given a lesson in politeness and diplomacy to these nations who are not yet formed (imada fhioakadsaroo kooni) We ought not, however, to humble ourselves so much. You appear to be very satisfied and astonished at the result. This is because you unfortunately allow yourself to be fascinated by the high-sounding expressions used by the foreign 'Yukanins' at Yokohama, called *ministers*, although it is now fully proved that they only wish to amuse themselves, and frighten you; besides this, they are the first to tremble, and when you address them as a superior ought to speak to an inferior (like a smaller person) they become very humble. It is also an undeniable fact that the ministers have been severely reprimanded by their respective governments, and that the latter have endeavored to palliate the conduct of their representatives by the extremely friendly and attentive manner in which they receive the persons sent by you. These apologies ought to have been made by the ministers; *two of them have already been punished by their sovereigns, and are now in disgrace.* We are surprised that, notwithstanding all these proofs, you do not yet comprehend, as we do, that you represent the great Niphon.

"You ask us whether we demand the total expulsion of foreigners. No, that is not exactly what we wish; at least we only want this expulsion on certain conditions. Allow us to explain our wishes. It has been justly affirmed that the treaty of commerce was granted to the Jehitsroa (English, French, Russians, and Americans) and the Dutch as a great favor, and after repeated and humble demands, and therefore bore no resemblance to a legal contract. Instead of enjoying the privilege as a favor, they wish to assert that it is their legal right, and the majesty and dignity of our country cannot endure such audacious conduct. They must be allowed, as in former times, to gain money without defrauding our nation. We do not understand the necessity of all these foreign Yakonins. The only person required is a chief of the factory, or of the merchants, who would have to learn our rules and regulations of commerce. This would save you a great deal of trouble.

"You say they do not see matters in the light we do. All we have to do, if this is the case, is to withdraw the privileges we have granted to them. It is a law that everybody 'who abuses a favor loses it *ipso facto.*'

"Part of your proclamation is incomprehensible. You say, 'In fifteen years everything will be ready.' What do you mean by this? Do you wish to affirm that Japan will be great and powerful then, and be able to resist the encroachments of the barbarians, or do you wish to say that you will then be able to expel them?

"In the first case, you own that Japan is weak—this is a disgrace for the country; in the second, you appear to be willing to submit to insults during fifteen years. You therefore see you are wrong in both cases. Why not say, with us, Japan is ready, and has ever been ready? What is the difference between to-day and two hundred and fifty years ago? Had not the foreigners large vessels then, as now? Had they not artillery and large armies? Did not they know the tactics of war? Had they not large kingdoms? The only difference is that their vessels were then propelled by sail, now, however, they use steam. So much the better, they will leave quicker. Every Japanese sighs when he thinks of the glorious past and looks at the present. Remember how the barbarians respected the majesty and power of Niphon. They respected our slightest wishes. Japan was delivered from their presence; one single nation left hostages in Japan as a proof of the good faith of the others. This was, however, a great mistake, as their presence in Japan excited the cupidity and envy of other nations. It is very difficult to understand you when you say that the world has changed, and that it is difficult for a nation to seclude itself. You, therefore, suppose that other nations are like Japan and China! You say the world has changed. Do you wish to repeat what an insane member of the Gorogio said when he insinuated that we ought to adopt the customs, arts, and sciences of foreigners? What science? To exchange a precious stone for a tile? As you say, the Jehitsroa have arts and sciences; it will be very easy to satisfy their wishes, as we only demand that the foreigners shall first be punished, and then subjected to the old regulations of Nagasaki. Many of you would regret to see the commercial intercourse with the foreigners drawn to a close, as you pretend some useful articles would be inaccessible, particularly guns, which you say must make Japan more powerful than all the other nations. We have, however, refuted these objections by saying, first, Japan has been deprived of these articles during

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many thousand years; second, that it would be very easy to send our vessels to China, in order to buy them from the miserly foreign merchants who bring them thither. They would be delighted to sell them to us, even after having been punished and sent out of our country.

"We regret to see that for some time past you have been making references to the customs and governance of foreign nations; and you frequently speak directly and indirectly, about imitating foreign nations, and concentrating the government offices. In making such insinuations, you expose yourself to severe criticism, and excite distrust among your most faithful and devoted partisans. Is there any authority among foreigners worthy of bearing the name power? Have they a Mikado, who is a grandson of the Kamis? Are not all our high families of celestial origin? It is absurd to wish to unite every power in one person. You might with equal justice say, 'Let us have one farmer; one merchant, one laborer.' You are better aware than we that power proceeds from the Tenshi, (Mikado,) who has distributed it among the great families of Japan. This is a divine order established by the Kamis, and he who wishes to change it pretends to be wiser than the heavens.

"If you, however, absolutely wish to imitate foreigners, you must consult with our sovereign, who is above everybody, and the supreme chief, as is also the case with foreign nations. As he has confided the government to your care, and has intrusted you to decide matters of general interest, you must use your power prudently. If the honor and safety of Japan is endangered, you alone cannot decide upon the measures which are to be adopted. If, for instance, a fire breaks out, it is useless for you to order the owners of houses which are in danger to protect houses which are safe, because the proprietor will endeavor to save the house which is liable to be destroyed by the flames.

"You appeared to understand this a few months ago; you then decided to accept the Mikado's invitation; now, however, you hesitate and postpone your journey. It is difficult to understand why you hesitate; is it because some daimios have expressed their intentions of going to Kioto? It is, however, quite natural that all the daimios should be convoked to Kioto; and several daimios have probably manifested their intention of going to Kioto during your residence there, in order to suggest this plan to you.

"As regards the advice you give us about the purchase of foreign vessels, we fully believe this is dangerous for the country. A naval force is useless, if it does not move about, if the vessels do not visit distant countries, and if the sailors do not exercise themselves. In order to have a navy, intercourse must be kept up with other nations, and we wish to abolish this intercourse.

"Unfortunately a great error in the foundation of all your arguments upon this subject is, Japan is not yet ready. Several daimios have frequently requested you 'to place the foreign question in their hands.'

("I kokoono girva ware warone makaroo berhed.")

Despatch from the Mikado to the Tycoon.

The insolent intrusion of foreigners has now lasted during several years, and it is extremely difficult to say when it will end. These barbarians occasion deep affliction to the great Niphon, from its sovereign down to the lowest native. I have frequently written to you upon this subject, partly for myself and partly for my people, and as I have already told you this calamity does not cease

The foreigners must either be banished by force, or they must be all removed to Nagasaki and Hakodadi Measures must be adopted to render it impossible for them to assert their pretensions, and if they are allowed to remain in Japan, let it appear that they are not here.

If these measures are not adopted a war will break out. Do not delay these important reforms; and if they must be allowed to trade, their commerce must be restricted and duly controlled.

Endeavor to settle this important affair with the daimios; but I must add that these perverse and barbarian foreigners ought to be sent out of our country.

12TH MONTH.

Reply of the Tycoon.

In reply to your despatch we beg to state that we fully agree with you. We intend to hold serious conferences with the high officers of state, and we shall personally inform you of the result when we meet you at Kioto.

You have informed me that great anxiety is felt at Kioto, as it is not sufficiently pro-

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tected if the banished foreigners intend to create disturbances. We are well aware that Kioto might be in danger if the barbarians revolted; but allow us to remind you that up to the present time Kioto has always been confided to the care of the government of the Tycoon, and we have never neglected this duty.

If you, however, consider the protection of government insufficient, we shall send several daimios to watch over your safety. We have commanded the principal daimios to fortify Japan, and defend it if the barbarians revolt. We therefore request you will inform us which daimios you prefer.

When we are at Kioto this matter will be amply discussed, and we shall then be able to consult about the manner in which the foreigners must be banished, and about the internal government of our country.

12TH MONTH.

The 21st day of the 3d month, at KIOTO.

Given to the daimios in the presence of the council of state.

The Tycoon, in compliance with the advice of the Mikado, has postponed his return to Yedo.

As recently stated, the office of Thonging (commander-in-chief) will remain the same as heretofore. If his authority extends from the daimios to the lowest classes the imperial mind will feel relieved.

According to circumstances, the Mikado may perhaps take charge of the affairs of state.

Respectfully received,

Name of TYCOON.

No. 2.

Copy of a government notification sent to the Oömatske (for general information to whom it may concern.)

Given at Miako the 19th day of the 3d moon.

"The Tycoon having received his Imperial Majesty's command to expel the barbarians, orders that an understanding* be arrived at with the foreign barbarians that they are to be expelled from the country. Should they refuse to yield, they must be swept away by force.

"Therefore let all (the so-called samurai) understand and vie with each other in showing their diligence and fidelity to the end that the empire may not come to shame."

3D MOON.

Copy of literal translation.—Copy of proclamation.

3D MONTH, 21ST DAY.
At Kioto, in the 2d Castle (Negio.)

To the Gorogio seated in order and Daimios.

The Tycoon, being about to return at different times, is delayed by command of the Emperor. On a previous day it was declared accordingly. The rank of Shiongoon and authority in all things, as hitherto, will be continued. All daimios will perform everything according to his instructions.

Then imperial quiet (*i. e.*, the anxiety of the Mikado) will be relieved.

Depending upon events, the Emperor's high self-will, of his sovereign pleasure, condescends to conquer foreigners.

This is received submissively, and with due honors,

His own name (Mikado.)

3D MONTH.

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*The phrase here implies negotiation with foreigners to bring about a peaceable withdrawal from Japan.

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Copy of literal translation —Copy of proclamation.

3d Month, 19th Day, at KIOTO.

To the Oömetshe (Jioo-i) Expulsion of foreigners.

Imperial reception of the Emperor's command is done.

Soon there will be a consultation of intercourse; and in case foreigners do not consent, let them be attacked and swept away. Thus it is proclaimed.

Then let all with one mind be strong of heart, that shame do not come upon our country. Patriots will do this.

Let this, according to the foregoing, be communicated to every one above and under 70,000 koku* of rice.

No. 1.

Copy of a document addressed to the Daimios by the Gorogio, in regular council seated, on the 21st day of the 3d moon, at his Imperial Majesty's citadel, Nijiju, in Miako.

"The Taikun's return to Yedo is further postponed by order of his Imperial Majesty.

"As lately instructed by his Imperial Majesty, the jioo-ngoon's (commander-in-chief's) official duties are in all respects, as heretofore, confided to him by his Imperial Majesty.

"If, therefore, all the dai mios take the special direction of affairs in their respective commands and trusts, his Imperial Majesty's mind will be at rest

†"It will depend upon circumstances how far his Imperial Majesty may desire personally to take the conduct of the exterminating war."

The foregoing is reverently received on Irminal, *i. e.*, the August.

Name, *i. e*, TAIKUN.

Proclamation to the Ono Mitske.

EXPULSION OF FOREIGNERS.

3d month, 19th day, at KIOTO.

Imperial reception of the Emperor's command is done.

Soon there will be a cessation of intercourse, and in case foreigners do not consent, let them be attacked and swept away. Thus it is proclaimed.

Then let all with one mind be strong of heart, that shame do not come upon our country. Patriots will do this.

Let this, according to the foregoing, be communicated to every one above and under 70,000 koku of rice.

Mr. Pruyn to Mr. Seward.

No. 38.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 22, 1863.

SIR: In my No. 29, of the 26th ultimo, I advised you of the destruction by fire on the 24th of the legation buildings at Yedo, together with all my furniture, clothing, books, &c., but that the archives and most of the public property had been saved, though in a damaged condition.

I have abstained from giving any opinion as to the cause of this unfortunate occurrence, and now submit the facts, as far as I am able to do, that the President may form his own judgment.

I have already informed you of the great anxiety of this government to induce

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* 300 pounds about.

† This sentence intimates that if the Taikun does not act so as to please his Imperial Majesty, he will draw the sword himself and exterminate the barbarians.

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me, at least temporarily, to remove my residence to this place; an anxiety shown not only by repeated and persistent attempts to excite alarm, though at times representations were made that I would be less lonely and have more freedom of movement here, but even extending so far as to offer to pay all additional expense of rent, &c., which might be occasioned by such removal. No foreigners whatever would then have been at Yedo, and then, as now, it could be so stated at Kioto, and represented probably without contradiction, as a voluntary and final abandonment of our right to a residence there at all.

The afternoon preceding the fire this same subject had been again discussed. I had announced my purpose to go to Yokohama on a visit for two weeks, a decision I had formed in consequence of the excited state of feeling there, and because the government had represented that my presence with my colleagues might be of service in the interests of peace; but I had again announced my inflexible determination to continue to reside in Yedo.

At 2 o'clock a. m. that night I was aroused from sleep by the information that the house was on fire, and in fifteen minutes I had neither bed, bedding, table, chair, nor furniture of any description, and scarcely any clothing save what I had on, or what was in charge of my servants for washing. A message was brought to me shortly after, in the place where I had taken shelter from a heavy rain, with Mr. Portman and my son and Mr. Thompson, his tutor, that our horses were saddled; and I have reason to believe that it was supposed I would at once proceed to Kanagawa.

Before 9 o'clock I had several visits from governors for foreign affairs and other officials, and a small (priest's) house was assigned for our accommodation; there for two days we were left; two of the rooms being in the occupation of guards, and the only one at my own disposal occupied for all purposes, (except that Mr. Portman slept in his own house nearly opposite.) During that time I abstained from sending any message to the government by the way of complaint or otherwise, though satisfied that it was supposed my speedy removal to this place would follow in view of my narrow quarters and my being deprived of beds and furniture and almost of the means of preparing food. At the close of the second day I sent a message that I wished to see a governor for foreign affairs the next morning, to which a reply was sent that one would come the next succeeding day. I then sent a message that I could not consent to such delay, and the next morning I was visited by Takemoto Hayato No Kami, the governor with whom I had the interview the day preceding the fire.

I then informed him I wished better accommodations provided for me; that it would take more than one fire to drive me from Yedo, and that I would not leave until the arrival of my successor, unless I had some building assigned to me, and a positive pledge that it should be immediately fitted up for my use. The day following another governor brought me a plan for the alteration of the main temple building which had been preserved from the fire, which I agreed to accept temporarily. I was also informed that no decision had been taken as to rebuilding; that if the government undertook it there would be danger; the buildings would be destroyed, and that it had been proposed to place the necessary funds in the hands of the priests for such purpose, and thus leave it to be supposed that the buildings were erected for their use, and not my accommodation.

I regret to have to state that thus far the alteration of the temple has not been commenced, though promised the day after I left.

In my conversation with Takemoto Hayato No Kami I told him I proposed frankly to mention the circumstances which would lead to the suspicion that the premises had been purposely fired.

I then reminded him that in February he had called on me, asking me to agree to give up Goten-Yama; that the British legation had been destroyed by fire within ten hours after he had left me; that the destruction by fire of the American legation buildings had followed a similar visit precisely at the same hour.

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I also noticed their congratulations that the fire had not spread, which had also given me great satisfaction; but it was proper to remark that a better night, in consequence of the heavy rain, could not have been selected for the destruction of my residence without involving a large number of buildings in the same fate.

It was also proper to say that the fire took place four hours after every fire had been put out; and if it commenced in the kitchen, a place where the floor was of earth and stone, it was difficult to imagine how it could possibly have arisen from accident.

I further informed him that I had learned from Mr. Portman that while I was absent from my residence the previous week, the priests of the temple had applied for permission to enter the house; that he had found them there with a plan of the building and grounds unfolded, and that they were engaged in counting the mats in the different rooms. The significance of this consists in the fact that when this house is rebuilt the size and shape of every room will be unchanged; this was the case even when the Tycoon's palace was rebuilt. It was a perfect duplicate of the one which had been burned. Buildings are not measured by feet but mats, and every hall and room is made so as to receive a certain number of mats, each six feet by three feet.

Nor must it be overlooked that the very hesitation of the government to rebuild, for fear of provoking the destruction of the buildings, seems to show that if such a fate was apprehended in the future, that which had already taken place might fairly be inferred as other than accidental. I concluded by saying that I feared it would be universally believed that the buildings had been destroyed so as to force me to leave Yedo.

To this the answer was made, "that it was true that the circumstances stated were suspicious, nevertheless the fire was accidental;" that they had examined witnesses, and had arrived at that conclusion. I have not yet been furnished with a copy of the testimony, though I have asked for it, and it has been promised. The governor also said that if I gave it as my opinion that it was accidental, every one would be satisfied it was so, and that I had the day succeeding the fire said I was so satisfied.

I assured the governor that if he had so understood me, he had derived a false impression from the interpreter. I then repeated what I had said, "That I *wished* to regard it as accidental, for my own sake, for the sake of the Japanese government, as well as that of the United States. That in the event of the President being satisfied that the destruction of the premises had been wilful, whether with the connivance of the Japanese government, or not, he would doubtless feel compelled to demand an indemnity, but that so great was his friendship and that of the United States for Japan, I felt sure he would be pleased to have evidence which would relieve the government and people from suspicion, and that my government, if so satisfied, would be more willing to indemnify me for my loss than to accept of an indemnity from the Japanese government, even if freely offered, and that I should content myself with laying the whole subject before the President for his decision.

My loss will amount to something over $6,000, including articles of Japanese ware and manufacture which I had purchased for use and for ornament. This also includes a private library of over three hundred volumes, and a large store of wines, &c., which are necessarily required in all business interviews.

Mr. Portman's residence was not destroyed; but as the fire at one time threatened to reach it, his furniture was removed, and his loss by breakage and other injury amounts to about $400.

It is due to this government that I should remark that fires are of daily occurrence in Yedo, owing to the combustible materials of which most of the buildings are constructed in whole or in part, and also to the universal use of tobacco, and of fires which are invariably made of charcoal placed in hibatshi, (a species

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of pot or vase,) and in rooms, the floors of which are covered with mats and the sides formed of paper sliding-doors.

It may not be improper also to call the attention of the President to the peculiar situation in which the representatives of the United States must always be placed at Yedo. No insurance of property can be effected at any premium, as being so greatly exposed, and any loss from fire must always be necessarily almost total.

When the Japanese officers burst into my room they were clothed in uniform worn on occasions of fire, which they generally have with them. But whether this is to be charged as the result of preparation for the event, or as an evidence of praiseworthy vigilance and activity, will depend upon the judgment to be formed of the origin of the fire.

I have given notice to the government that I propose returning to Yedo early in July, and that if the building promised me is not completed, (as now appears probable,) I shall avail myself of the obliging offer made by M. de Bellecourt, the French minister, and occupy for a season Sakaijo, the French legation buildings.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 40.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 24, 1863.

SIR: I have the honor to inform you that the British indemnity was not paid, as agreed, on the 18th instant, but payment was refused.

Thereupon Colonel Neale suspended all intercouse with the Japanese government, and handed over the settlement of the demand to Vice-Admiral Kuper. I enclose (No. 1) copy of his letter to that effect.

On the 20th instant the two governors of Kanagawa waited on me, and informed me that the indemnity was not to be paid, though the money was all ready, because orders had been received from the Tycoon forbidding it.

Late in the evening of that day the French minister called on me, and informed me that the same communication had been made to him, but that the governor had also announced the receipt of orders from the Tycoon for the expulsion of foreigners.

I thereupon sent for the governors, and one of them waited on me the next day, and upon my inquiring whether any orders had been received by him for the expulsion of foreigners, I was met by the question, "From whom did you hear this?" I replied, "I will tell you as soon as you answer my question." He then informed me that orders to that effect had been received. On my asking "why he had informed the French minister of their receipt, and withheld the knowledge of the same from me," he replied: "That he had done so because the French minister had asked him, (this the French minister denied,) but that it was proposed to disregard the orders. They were not disposed to reflect the wishes and views of the Tycoon; that the Mikado had been prejudiced against foreigners by bad men at Kioto; that he had given such orders; that the Tycoon was obliged to obey them, or he would lose his office and life; but that the ministers at Yedo knew that the orders could not be executed; they had neither ships-of-war nor arms to accomplish this; besides, the Tycoon had made the treaties and wished to observe them." In reply to my questions, he further stated: "That protection would be extended to American citizens;

and that he would give orders that the Japanese merchants and servants should not leave the place as before, and that no attempt would be made to execute the order of the Tycoon."

Near midnight of the next day the governor of Kanagawa waited on me, and informed me that he would pay the British indemnity on the 24th instant, (this day;) that Ogalawara Dlusio No Kami, minister of foreign affairs, would proceed to Kioto the next day by sea, for the purpose of changing the hostile views of the Mikado; that he would stop at Yokohama, and wished to see all the ministers; that as time would not permit him to see them separately, he wished to know if I would meet him on board the French admiral's ship, as he had important business, and the French minister had proposed that place of meeting. I consented to attend at any hour. On the previous day I had received a letter from the same minister informing me he wished to see me on important business.

Yesterday the minister of France informed me that he had made such proposition, but had not finally agreed to it. That it was understood that the governor was to wait on him the next day and receive his decision.

The governor accordingly visited him, and informed him that the minister proposed to notify the ministers of the treaty powers that orders had been received for their expulsion, and to request them to leave.

The French minister then said that such communication had better be reduced to writing. The governor asked what form had better be adopted, and received a very short one. He then asked what the minister's reply would be?

He said first he would say, "that he would transmit a copy of such letter to his own government and await orders;" further, "that he would demand that Yokohama meanwhile be given up to the French admiral to guard; that trade should not be interrupted, and that the governor of Kanagawa should not be changed."

Shortly after the interpreter returned, and said that the form of letter given by the French minister was too strong, and that it would be modified; that it would be announced to the Japanese that foreigners were ordered to withdraw; that the ministers had written to their government for instructions; that meanwhile trade should not be interrupted; that the governor would probably call frequently on the different ministers; that the people would be given to understand that this was done for the purpose of negotiating with them about leaving; but that it would be for the purpose of giving information as to the situation of affairs at Kioto. He also said he would that day pay the money, and that he would do this even if orders were issued from Yedo forbidding it. He would keep his word, and then commit hari kiri. The French minister begged him not to speak of suicide, which was regarded by the civilized world as an act of cowardice. He replied that the custom of his country required that an officer disobeying orders should commit it.

The French admiral, Jaurés, was present at all the interviews held with the French minister, and Commodore McDougal at most of those held with me.

The French minister has promised me a copy of the memoranda of these different conversations, which I shall send at an early day, together with memoranda of those between the governor and myself.

At 5 o'clock a. m. of this day the indemnity was paid.

At 9 o'clock I received from the minister of foreign affairs the letter of which I enclose a translation, (enclosure No. 2,) asking foreigners to withdraw. As the mail closes at 10 o'clock, I have no time for comment.

The minister is now on board the steamer Emperor, lying in this harbor, and may at any moment ask an interview.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

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Colonel Neale to Mr Pruyn.

[Enclosure No. 1.]

YOKOHAMA, *June* 20, 1863.

SIR: I have the honor to communicate to you the present situation of affairs in regard to the subject of the British demand upon the Japanese government.

The patience and moderation which I have exercised in my communication with the Tycoon's government in the earnest desire of bringing a peaceful settlement of the avowedly just demands for reparation preferred by her Majesty's government are well known and sufficiently manifest.

At the most recent date, the 18th instant, those objects which I had in view were on the very eve of being happily accomplished. The Japanese government, through its envoys, had, after innumerable difficulties, solemnly and unreservedly entered into a written engagement with me to pay the pecuniary demands at short specified intervals, the first payment to have been made on the date above referred to.

That day has been reached and passed, and the Japanese ministers have flagrantly, unequivocally, and designedly broken their faith.

In the most unjustifiable and audacious manner the Tycoon's government now seeks to reopen negotiations previous to accomplishing their solemn assent to the settlement of the pecuniary portion of the demands, and openly declare their intention to withhold all payments, thus most effectually extinguishing all remaining faith in even their most solemn engagements.

As her Majesty's representative, I have now, therefore, to declare that the utmost limits of my patience (consistently exerted and directed to exact the reparation sought by peaceful means, and which I had good reason to hope had been successfully exercised) are exhausted.

I have had the honor during a period of ten weeks, at intervals, to inform you that the adoption of coercive measures was an impending contingency, though the probability or otherwise of their occurrence was alternately stronger or feebler as matters progressed.

On my part I have not failed to advert to the worst and most regretable emergency which could arise, namely, the necessity which might present itself (with a view to the security of their persons and property) of abandoning the open ports, while the vice-admiral commanding-in-chief has as often and as consistently declared his inability to hold, militarily, the settlement if coercive measures were actually resorted to effectually to enforce compliance with the demands.

As long as a chance of honest though tardy action could be anticipated on the part of the Japanese government, I have scrupulously deferred initiatory hostilities by an appeal to force. But I now feel myself urgently called upon to leave the adoption of the only measures which the rulers of this country would appear to understand or appreciate, viz: those of coercion, to the admiral, into whose hands I will this day consign the solution of affairs.

Thus, within a very short period, the policy of expediency invariably adopted by the Japanese government may possibly lead them to repair their broken faith by the actual payment of the indemnities, and a more peaceful aspect of affairs may present itself again; or, on the other hand, the admiral may have deemed it advisable to profit by circumstances to carry out some of the operations he may decide upon.

You will, no doubt, judge, sir, the measures which the subjects of your nation should most expediently adopt under all the circumstances here most unreservedly and explicitly set forth.

I need hardly add that I shall not fail immediately to concert with Admiral Kuper and with Admiral Jaurés, whose frank and cordial proffered co-operation I am fully assured of, respecting such temporary measures, for the safeguard of the community in this emergency as may be practicable.

I have the honor to be, sir, your most obedient, humble servant,

EDW. ST. JOHN NEALE,

Her Britannic Majesty's Chargé d' Affaires and Acting Consul General in Japan.

General ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

Ogasawara to Mr. Pruyn.

[Translation.—Enclosure No. 2.]

I have the honor to inform your excellency that I have received full powers to act on the subject herein stated.

I have received orders from his Majesty the Tycoon, now residing at Kioto, and who re-

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ceived orders from the Mikado to cause the opened ports to be closed and the foreigners (subjects) of the treaty powers to be removed, as our people will have no intercourse with them; hence negotiation on this subject will afterwards take place with your excellency.

With respect and esteem, the 9th day of the 5th month of the 3d year of Bunkin, (the 24th June, 1863.)

OGASAWARA DSUSIO NO KAMI.

His Excellency ROBERT H. PRUYN,
Minister of the United States, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 41.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 24, 1863.

SIR: British indemnity paid. United States legation buildings at Yedo destroyed by fire on the 24th ultimo. Letters received by treaty powers demanding their withdrawal, pursuant to orders of Mikado and Tycoon from Kioto.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

(Above despatch sent to collector, San Francisco, to be telegraphed.)

Mr. Pruyn to Mr. Seward.

No. 42.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 24, 1863.

SIR: I have the honor to transmit enclosure No. 1, copy of my reply to the letter of the minister of foreign affairs, the translation of which letter formed enclosure No. 2 of despatch No 40. I hope that it and the replies of my colleagues may compel wiser and more friendly counsels to prevail at Kioto. It will afford me great pleasure if my action on this grave and delicate question shall meet your approval and that of the President.

I avail myself of the unexpected detention of the schooner J. B. Ford to send this despatch.

I have the honor to be, sir, your most humble servant,

ROBERT H. PRUYN,
Minister Resident.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c., Washington.

Mr. Pruyn to Ogasawara Dsusio no Kami.

[Enclosure No. 1.]

No. 68.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 24, 1863.

I have received your excellency's letter of this date, announcing that you have full powers to carry out orders of the Mikado and Tycoon for the closing of the ports and removal of foreigners from Japan. I have the honor to reply, that a solemn treaty has been made by the government of Japan with the

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United States granting to its citizens the liberty to reside and trade at these ports. The right thus acquired will not be surrendered, and cannot be withdrawn. Even to propose such a measure is an insult to my country, and equivalent to a declaration of war.

I shall send a copy of your letter to the President of the United States, by whom it will be received with mingled emotions of astonishment, sorrow, and indignation.

The determination of the Mikado and Tycoon, if attempted to be carried into effect, must involve Japan in a war with all the treaty powers. It is perfectly absurd to hope for success—it will only bring ruin upon this flourishing empire. Nothing can justify this deliberate disregard of solemn obligations. The attempt to carry it into execution would be an act of such extreme folly as only to be attributable to an unwarrantable estimate of your own power and of the overwhelming power of the western nations.

I have only to say, in addition, that the citizens of the United States will remain in Japan, protected by the United States naval forces now here and on their way. If life and property is threatened or attacked, both will be defended to the last extremity.

I enter my solemn protest against your letter and the proposed measures, and declare your government responsible for any consequences which may follow, and liable for all losses which citizens of the United States may sustain by reason thereof.

With respect and esteem,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

His Excellency OGASAWARA DSUSIO NO KAMI,
Minister of Foreign Affairs, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 43.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 25, 1863.

SIR: I have the honor to transmit (No. 1) translation of a letter of the minister of France in reply to the notification of the Japanese government of the intention to close the ports, and (No. 2) copy of the letter of the British chargé d'affaires. I sent forward a copy of my letter on the 24th instant, via San Francisco.

These letters were written without our having had a conference, which would have been advisable, in view of the great importance of the subject, had time been afforded. We were, however, compelled to reply immediately on the receipt of the letter of the Japanese minister, as he was on board a steamer, on his way to Osaca.

We have been told by the governor of Kanagawa that there is no intention of enforcing these orders; but his declarations may, at any moment, be disavowed by the government. I thought—and it appears so also to my colleagues—that the letter must speak for itself; that no clandestine whispered explanations should be entitled to any weight in modifying its offensive declarations.

At present, the government at Yedo, no doubt, honestly intend to preserve peaceful relations, and is fully aware of the extreme folly of attempting to carry the Kioto decrees into effect. The mass of papers I have sent forward will enable the President to judge whether it will be wise to depend too securely on the continuance of that policy, and whether it is not apparent that an imposing exhibition of force can alone be relied on.

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I enclose (No. 3) translation of the orders of the Tycoon to Stotsbashi, of the family of Mito, who is charged with the execution of the decree of expulsion. I am indebted for this, as well as the important proclamation handed to the Tycoon by the Mikado, at their secret audience, (of which I have sent you a copy translated by a governor for foreign affairs,) to Eugene M. Van Reed, an American citizen.

I hope my reply to the minister will be regarded as sufficiently pointed and direct. It appeared to me an occasion when the living truth should be spoken, and stand forth free from the ceremonies of diplomatic phrases.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

The Minister of France to Ogasawara Dzusio No Kami, Minister of Foreign Affairs.

YOKOHAMA, *June* 24, 1863.

I received your excellency's communication concerning the instructions which you state to have received from the Tycoon in relation to negotiations with me on the subject of closing the Japanese ports opened to French trade by the treaty concluded by my sovereign, in 1858, with the Tycoon of Japan, empire of the Mikado, as stated in the act of ratification of the French treaty.

In reply, I have to say to your excellency, though your announcement is not confirmed by the signature of your colleagues of the Gorogio for foreign affairs, that I, as well as the government of the Emperor, my august sovereign, consider that the treaty concluded with Japan still remains in force, any notification by any Japanese authority whatever to the contrary notwithstanding, and that it must be executed according to the terms agreed upon with the Japanese embassy sent to Europe in the course of last year.

I shall, nevertheless, transmit to France the audacious notification which your excellency addressed to me, in order that it may be promptly decided to take measures for redress for this fresh violation of the right of nations, which is without precedent in the history of civilized nations, and which may bring some chastisement upon those who had the temerity to conceive it.

Considering that the treaties must remain in force until the arrival of the reply of the imperial government, I have the honor to inform your excellency, and to request you to make it known to all authorities in Japan, that I have placed the safety of the subjects of the Emperor, my sovereign, residing in this country, under the protection of the French military forces in the China and Japan seas, under the chief command of M. Admiral Jaurés, now in Yokohama, and that henceforth this general officer will take, as he may deem proper, all necessary measures to act, by land or by sea, against any one unwarrantably acting contrary to the spirit of the treaty of 1858.

With respect and esteem,

DUCHESNE DE BELLECOURT,
Minister Plenipotentiary of France, in Japan.

HER BRITANNIC MAJESTY'S LEGATION,
Yokohama, June 24, 1863.

The undersigned, her Britannic Majesty's chargé d'affaires in Japan, has received, in common with his colleagues, and with extreme amazement, the extraordinary announcement which, under instructions from his Majesty the Tycoon, his excellency has addressed to him.

Apart from the audacious nature of this announcement, which is unaccompanied by any explanations whatever, the undersigned is bound to believe that both the spiritual and temporal sovereigns of this country are totally ignorant of the disastrous consequences which must arise to Japan by their determination, thus conveyed through you, to close the opened ports, and to remove therefrom the subjects of the treaty powers.

For himself, as representative of her Britannic Majesty, the undersigned has to observe, in the first instance, that the rulers of this country may, perhaps, still have it in their

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power to modify and soften the severe and irresistible measures which will, without the least doubt, be adopted by Great Britain, most effectually to maintain and enforce its treaty obligations with this country; and more than this, to place them on a far more satisfactory and solid footing than heretofore, by speedily making known and developing any rational and acceptable plans directed to this end, which may be at present concealed by his Majesty the Tycoon, or by the Mikado, or by both, to the great and imminent peril of Japan.

It is, therefore, the duty of the undersigned solemnly to warn the rulers of this country, that when the decisions of her Majesty's government, consequent upon the receipt of your excellency's announcement, shall have in due course been taken, the development of all ulterior determination now kept back will be of no avail.

The undersigned, in the meanwhile, has to inform your excellency, with a view that you may bring the same to the knowledge of his Majesty the Tycoon, who will doubtless make the same known to the Mikado, that the indiscreet communication now made through your excellency is unparalleled in the history of all nations, civilized or uncivilized—that it is, in fact, a declaration of war by Japan itself against the whole of the treaty powers, and the consequences of which, if not at once arrested, it will have speedily to expiate by the severest and most merited chastisement.

E. ST. JOHN NEALE,
Her Britannic Majesty's Chargé d' Affaires in Japan.

His Excellency OGASAWARA DSUSIO NO KAMI,
Member of the Gorogio, &c., &c., &c., Yedo.

Translation of a document purporting to be an order from the Tycoon to the Gorogio, dated the 4th month, 20th day.

The time is positively fixed for the expulsion of the barbarians, viz, the 10th day of the 5th month, (25th June,) as we have determined to expel them, and have so represented to the Emperor. Let it also be made known to all the princes.

TYE SHINGO, *Tycoon.*

On the return of Stotsbashi, (to Yedo,) when the negotiations for expulsion take place, though there should be a series of discussions, yet the main idea is the original treaties of commerce. In consequence of our having opened the ports at first without conferring with the Emperor, the minds of men in this exclusive country have not been united; for this reason it is necessary to negotiate for the absolute exclusion of the barbarians.

A communication for all the daimios as to the removal of the barbarians. They must be utterly expelled on the 10th day of the 5th month. Having received such instructions from the Emperor, let each one of you, with an understanding of the foregoing, make every preparation for the defence of the sea-coast of his domain, and when invaders come, let them be utterly swept away.

THE 4TH MONTH.

Mr. Pruyn to Mr. Seward.

No. 44.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 26, 1863.

SIR: I have the honor to call your attention to the remark made by the French minister in his letter to Ogasawara Dsunio No Kami, translation of which forms enclosure No. 1 of despatch No. 43: "Your announcement is not confirmed by the signature of your colleagues of the Gorogio for foreign affairs;" and to say, that I think he misapprehended the true position of Ogasawara, who issued the notification.

The members of the Gorogio now at Yedo only acted as ministers of foreign affairs during the absence of himself and his two colleagues at Kioto. On his return he resumed, I suppose, his post in the department of foreign affairs, and

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was the sole minister. As he again leaves, the two others again take the post *ad interim*.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister, &c., Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Pruyn to Mr. Seward.

No. 45.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 27, 1863.

SIR: In the hope that the situation of affairs at home may soon be so improved as to admit of your proposal of 1861 being carried into effect, it may not be improper to say that I am satisfied the public mind in this country will not be quieted until the treaties are ratified by the Mikado.

Until this is done the position of foreigners must continue precarious, and their presence occasion intrigues, and perhaps civil war, because not sanctioned by the rightful sovereign, which the Mikado doubtless is, theoretically and practically, should the daimios gather around him.

The opponents of the Tycoon's government can only, in this way, be driven from the cover which they now assume in their machinations to accomplish their selfish purposes, whether such be to supplant the Tycoon, or, by confining trade to its former channel, (Nagasaki,) again reap the sole advantage.

To secure this ratification a demonstration on Osacca (20 miles from Kioto) would be necessary, backed, if this should not at once be successful, by a land force to move on Kioto.

I have no doubt the treaties would be ratified as soon as a strong naval force reached the bay of Osacca.

* * * * * * * * *

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Pruyn.

No. 42.] DEPARTMENT OF STATE,
Washington, June 29, 1863.

SIR: Your despatch of April 10 (No. 15) has been submitted to the President. It is an occasion of sincere regret that the government of Japan has not been able to guarantee the safety of foreigners sojourning in the country, and that it has thus been brought to the necessity of yielding to demands of indemnity under coercion. I am bound to believe that that crisis which you have informed me was approaching, has now actually passed. I can give you, therefore, only instructions with reference to what may be expected to be the condition of affairs existing at the time when this communication shall have reached you. It is manifestly the interest and the duty of all the western powers to maintain harmony and good accord in Japan. We have not only a

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right, but also good reason, for supposing that her Majesty's government will not seek any conquest or exclusive advantage in that empire as a result of any conflict which may have taken place. So long as the operations of the British government shall be confined to the attainment of the objects announced in preliminary communications, it will be your duty to lend to them all the moral support in your power. And the naval forces of the United States which may be present, while protecting the American legation and American citizens sojourning there, will take care not to hinder, oppose, or embarrass the British authorities in the prosecution of those objects. The United States having no grievances of their own to complain of against Japan, will not unite in hostilities against that government, but they will, at the same time, take care not to disapprove of or censure, without just cause, the measures which Great Britain adopts to obtain guarantees which, while they are necessary for her, must also result in the greater security of all the western nations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yedo.*

Mr. Seward to Mr. Pruyn.

No. 43.] DEPARTMENT OF STATE,
Washington, July 7, 1863.

SIR: I have the honor to acknowledge the reception of your several despatches bearing the dates and numbers following, namely: April 30, No. 16; May 1, No. 17; May 1, No. 18; May 1, No. 19; May 2, No. 20; May 3, No. 21; May 3, No. 22; May 4, No. 23. I have also received from George S. Fisher, the United States consul at Kanagawa, two despatches, one of which, numbered 15, bears the date of May 7, and the other, written under the date of May 8, is marked 17.

Speaking in a practical sense, I may observe that all these papers advert to the critical condition of the relations between the western treaty powers and Japan, which has arisen subsequently to the demand upon the Tycoon for indemnities which has been made by the British government, or, at least, that the various questions which the despatches present are to be considered in view of that extraordinary condition of affairs.

The leave of absence for six months, within the next year, which you have solicited, will be granted, if the political crisis that now exists in Japan shall, in the mean time, pass off without producing any change inconsistent with, or adverse to, the relations created by the treaty now existing between this country and that empire.

* * * * * * * * *

I have carefully read your two notes addressed to Mr. Neale, her Britannic Majesty's chargé d'affaires, in relation to the demand he has made upon the Tycoon's government, and it gives me pleasure to say that I find nothing in them to disapprove. The counsel that you gave Mr. Neale was not obtrusive, and it seems to me to have been quite discreet as well as humane. On the other hand, this government, if it were disposed to be querulous, might well complain of some injurious statements and reflections which have found place in Mr. Neale's portion of the correspondence. Nevertheless, the President permits me to pass them by, for two reasons: First. The good faith of the United States towards Great Britain and all the other treaty powers in regard to Japan, is impressed upon the records of our diplomatic intercourse with them. As yet it has not even been questioned; and it is not likely to be questioned

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by any one of those governments, or by any agent authorized to speak in their behalf. Secondly. The common interests of civilization and humanity require that there shall be concert and unity among the treaty powers, in the present crisis, unobstructed by jealousy, or suspicion, or unkind debate of any sort. From all the papers before me I learn that this was the situation of affairs at Yedo on the 8th of May, namely, that the British legation had demanded indemnities, which must be conceded on or before the 21st, or else that the British fleet would proceed to hostilities against Japan. Secondly. That the French naval forces were prepared to act in concert and co-operation with the British. Thirdly. That it was doubtful whether the indemnities would be seasonably conceded by the Tycoon government. Fourthly. That if that government should conclude to yield the indemnities, yet that, under the auspices of the Mikado and a combination of daimios hostile to the foreign policy of the Tycoon, a civil war was very likely to break out. Fifthly. That a popular excitement was prevailing which rendered the continuance of peace uncertain in every event, and that foreigners were assaulted and put in jeopardy of their lives by armed bodies of the Japanese, and among such foreigners were several Americans. Sixthly. It may be inferred from this circumstance that whatever claims the citizens of the United States might have to friendship, protection, or even freedom from danger, such citizens are likely to be confounded with all other foreigners in any uprising or disturbance of the public peace. Seventhly. The Wyoming, at the date of these despatches, had gone to Hong Kong for repairs. I learn here, however, that her repairs were completed on the 27th of April, and that she was then about to proceed to Kanagawa, so that she probably was there as early as the 21st May, the day finally appointed for the decision of the Tycoon's government to be communicated.

I shall now give you the President's opinion of your duty, and that of the commander of the Wyoming, in view of the situation which may be expected to be existing when this despatch shall have reached Japan. Your whole moral influence must be exerted to procure or preserve peace between the other treaty powers and Japan, based, if necessary, on a compliance, by the latter power, with the terms prescribed by them, inasmuch as it is not doubted that those terms will be demanded simply with a view to the necessary security of foreigners of all nations remaining in Japan.

Second. If the authorities of Japan shall be able to excuse themselves for the injuries which Americans may have suffered at the hands of Japanese subjects, and shall in good faith have granted adequate indemnities, or be proceeding to afford them, and also shall be able to guarantee the safety of American residents, the subject may rest; and while there the Wyoming will not commit any hostile act against the Japanese government or power. But, on the contrary, if in your judgment it shall be necessary for the Wyoming to use her guns, for the safety of the legation or of Americans residing in Japan, then her commander will employ all necessary force for that purpose. If the members of the legation, or of the consulates, find it at any time unsafe to remain in Japan, they will, of course, seek a safe retreat as convenient as possible, and will report to this department. While executing these instructions you will, so far as may be in your power, continue to cultivate friendly sentiments on the part of the Japanese government, declaring, however, to them and to the representatives of the other powers, that in doing so you are seeking no exclusive or distinct advantage for this government, but only the common interests of all nations in that extraordinary country.

The Secretary of the Navy will give all necessary instructions to the commander of the Wyoming in harmony with the views of the President expressed in this despatch.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., &c., &c., *Yokohama.*

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Mr. Seward to Mr. Pruyn.

No. 44.] DEPARTMENT OF STATE,
Washington, July 9, 1863.

SIR: In fulfilment of the announcement made in my instruction to you of the 4th of April last, (No. 38,) a box has been sent to you *via* San Francisco, to the care of the collector of that port, containing the following testimonials from the President to the principal officers of the Japanese ship-of-war Cho-yo-maroo, and other authorities, in recognition of their humane services to the shipwrecked officers and seamen of the American bark Chevalie, which foundered on the east coast of Japan in November last:

2 gold chronometer watches, with Japanese dials and heavy chains.
1 marine glass.
1 silver speaking trumpet.

The distribution of these presents among the parties for whom they are intended, namely, the two principal officers of the Cho-yo-maroo, and the two principal Japanese authorities of the province where the wreck occurred, is left to your discretion, as is also the mode of presentation and the remarks fitting to the occasion. You will be careful, however, not to lose sight of the great importance which the President and people of the United States attach to the disinterested kindness and humanity displayed by the Japanese authorities and people on the occasion referred to.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yedo.*

Mr. Seward to Mr. Pruyn.

No. 45.] DEPARTMENT OF STATE,
Washington, July 10, 1863.

SIR: I have just received your despatches of May 8 (No. 24,) May 8 (No. 25,) May 11 (No. 26,) May 12 (No. 27.) By these papers I learn the definitive propositions which had been submitted by the British and French legations at Yedo to the Tycoon previously to the 11th of May, and their purpose to adopt coercive measures in concert, after the 21st of that month, if those propositions should be rejected. I learn also from the same despatches the divisions and distraction there existed in the Japanese councils, and that the people were in an excited condition, which foreboded either the outbreak of civil war, or, more probably, the acceptation of a foreign war; and, most painful of all, the papers confirm the accounts which had before been received from the consul at Kanagawa of unprovoked violence committed at that place upon American citizens by subjects of the Tycoon.

It is a source of much satisfaction that the Wyoming had returned to that port in the midst of these occurrences, as had already been anticipated by the government here. On a careful review of all these facts, it is believed that there is no necessity to modify the instructions which were given you in my despatch of the 7th instant (No. 43.)

In regard to the acts of violence committed upon the persons of American citizens, it is presumed that you have required that the offenders shall be brought to punishment by the Tycoon's government without delay. It is left in your discretion whether, under the circumstances which shall be existing when this despatch shall reach you, it is expedient to insist upon pecuniary forfeitures, or

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compensations to be paid by the government in addition to the punishment of the offenders. If you think it expedient, you are at liberty to say to the ministers of foreign affairs that the President has reserved this question for consideration after the difficulties now existing between the government of the Tycoon and the British government shall have been adjusted, and the peaceful condition of affairs which prevailed before the disturbance occurred shall have been renewed.

The President is profoundly sensible of the inefficiency of the instructions you have heretofore received for your safe guidance in an emergency that was not foreseen, and could not be anticipated. When the instructions now given you shall have arrived, the condition of affairs in Japan may be such as to render them inapplicable. Under these circumstances you must exercise a large discretion, governed by two primary considerations: namely, first, to deserve and win the confidence of the Japanese government and people if possible, with a view to the common interest of all the treaty powers. Secondly, to sustain and co-operate with the legations of those powers in good faith, so as to render their efforts to the same end effective. It may be not altogether easy to apply these two principles in the conduct of details. You will, however, make the best effort to do so, and will be permitted to judge which of them must give way in any case of irreconcilable conflict.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yokohama.*

Mr. Pruyn to Mr. Seward.

No. 48.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, July 24, 1863.

SIR: It now becomes my painful duty to inform you that the hostility of the daimios, which thus far has only ventured on day attacks, when surrounded by a thousand associates, on unarmed men and women, and more frequently sought the cover of night for their assaults, has culminated in separate attacks on vessels bearing the flag of the United States, Holland, and France.

On the afternoon of the 25th ultimo the Pembroke, a small merchant steamer owned by the American house of Russell & Co., in China, in charge of a government pilot, anchored near the straits of Simonoseki, which separate the islands of Kinsin and Niphon at the western entrance of the inland sea, the state of the tide not permitting her then passing through the straits.

In the afternoon, while carrying the United States flag, she passed a Japanese armed bark, under the national flag, which bark, immediately after the steamer had come to anchor, passed her and also anchored near the eastern entrance of the straits. Shortly thereafter a signal gun was fired from a shore battery, which was repeated at several points along the coast.

At 1 a. m. of the next day the bark commenced firing into the Pembroke; and shortly after, the brig Laurick, of 10 guns, passed the steamer, her crew shouting as she passed by, and anchoring near the bark, also opened with her guns on the Pembroke.

It was, fortunately, quite dark; the steamer having her fires banked, speedily got up steam, and retracing her way a short distance, went to sea through the Bungo channel, which opens into the Pacific towards the south, abandoning her voyage to Nagasaki.

I received intelligence of this on the evening of the 11th instant through a governor for foreign affairs, despatched from Yedo, at which place it was said

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the steamer had been sunk; whether this information was the result of wilful misrepresentation, or given through mistake arising from the darkness of the night, I cannot say. The fact that the Pembroke was an American vessel was well known.

Later in the evening I received a letter from Russell & Co., accompained by affidavits of the captain and other officers of the Pembroke, giving a pretty full statement of the affair.

I transmit Nos. 1 and 2, copies of Nos. 1 and 2, the affidavit and statement of loss.

Early the next day I sent for the governor and read the affidavit to him, and calling his attention to the fact that these vessels carried the Japanese government flag, I asked whether they were government vessels. He informed me that they belonged to Matsudaira Daizen No Daiboo Juishi No Shoshu, Prince of Mowori and Nagato, and that I was correct in saying that a regulation was in existence requiring the vessels owned by daimios to carry the prince's flag at the fore.

I made known the claim which had been presented by Russell & Co. for damages, and said that the insult offered to our flag was a far more serious matter, for which ample satisfaction would be demanded.

I stated that I purposed visiting Nagasaki in the Wyoming, and on my return would expect to receive a communication from the Japanese government in relation to this serious offence.

I had requested Commander McDougal, of the Wyoming, to be present at this interview. At its close we had a conference as to the proper course to pursue, and I was gratified to find he had decided to proceed instantly to the straits for the purpose of seizing, and, if needful, destroying the two vessels. This course was one which I felt could not safely be avoided, and I was gratified to find such entire accordance in the views of Commander McDougal and myself.

Aware of the grave responsibility assumed, I hasten to make known the considerations which influenced my judgment.

You will have observed, by reference to copies of proclamations which I have heretofore transmitted, that the daimios had been required to place their territories in a state of defence. They had also been invited to rally around the Tycoon and aid in the expulsion of foreigners.

The government, through subordinate officers, whose declarations could be easily disavowed, declared the Tycoon was under duress, and that these proclamations did not reflect his real sentiments.

The Prince of Nagato was evidently carrying out in good faith the orders of the Mikado and the Tycoon. In doing so he had used the national flag. His acts, if justified by the government, constituted war; if disavowed, were acts of piracy.

Information regarded as reliable had been communicated by merchants of Osacca that the retainers of this prince, of Tosa, and of Satsuma, had engaged in conflict with those of the Tycoon. A few days before, formal application by the government, through Sakai Hida-no-Kami, a vice-minister, had been made for the Wyoming to carry troops to Osacca for the defence of the Tycoon. I had in reply offered the services of that vessel, if required, for the purpose of bringing the Tycoon from that city to Yedo, but had stated that it was utterly impossible to place her under the Japanese flag, and in the sole charge (except that her engineers were to be retained) of Japanese officers and seamen, as desired. The same result attended similar applications made to the ministers of France and Great Britain, and finally two British merchant steamers, the Radyah and Elgin, chartered for the purpose, left this port for Osacca, loaded with troops, the one on the 11th and the other on the 13th instant.

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There was good reason, therefore, for believing, particularly as it was conceded that this daimio was at heart very hostile to the Tycoon and his foreign policy, that this chastisement would not only be not unacceptable to the government, but of great aid to the Tycoon in breaking the influence and strength of the hostile daimios. On the other hand, it appeared to me that if the outrage was not promptly punished, great encouragement would be given to the hostile daimios, and our inaction attributed either to fear or weakness; and then an alliance be formed by them, which would eventuate in hostilities with all Japan.

Nor could I be unmindful of the fact that our domestic difficulties were well known to the Japanese government and people; that many publications had been issued, and had an extensive circulation, giving accounts of our battles, and especially of our iron-clads. And there was great reason to apprehend that the failure to act with energy would be attributed to our inability to act at all; and that, instead of being respected for calmly awaiting the action of the government, our position in Japan would become precarious, our people be liable to insult and injury, and our government regarded as either too powerless to protect its citizens, or as being obliged to postpone the punishment of outrages on them until again at peace at home.

You will remember, also, that in February I was informed a civil war was apprehended, and asked whether the United States would give the Tycoon assistance. This very prince was one of those then named as among the most hostile. It appeared to me the time had arrived when such assistance could be incidentally given, and be of value, while vindicating the honor of our flag.

I have thus briefly stated my conclusions, though subsequent outrages committed by the same prince, and the satisfaction with which the operations of the Wyoming have been received, both by foreigners and native officials,* have amply vindicated the propriety of our course.

I had intended to accompany the Wyoming, but being quite unwell at the time, my physician thought it was not prudent for me to do so.

On the morning of the 13th instant the Wyoming proceeded to sea, bound for the straits of Simonoseki, about 600 miles distant, in charge of two pilots furnished by the government.

On the 15th instant intelligence was received by the French minister that his Imperial Majesty's steam gunboat Keinchang, of four guns, had been fired into by the same ships and by batteries on shore, and had reached Nagasaki almost in a sinking condition.

Rear-Admiral Jaures, with the Semiramis steam-frigate of 35 guns, and the Tancrede, of four guns, got under way on the morning of the 16th instant; fortunately, when just out of the harbor, speaking his Netherland Majesty's steamship Medusa, of sixteen guns, which had been fired into on the 11th instant in the same straits, and receiving from Captain de Casembroot charts showing the position of the vessels and batteries.

On the arrival of the Medusa we learned that she had left Nagasaki on the 10th instant with D. Degraeff van Polsbroek, esq., the Netherland acting consul general, on board, and had met the Keinchang and learned of the attack on that vessel. Not supposing it possible that the Dutch flag, which had been so well known in Japan for 250 years, would be fired on, the Medusa entered the straits from the westward, with her men, however, at quarters, and on approaching the large island at the entrance of the straits, heard a signal of two guns fired from a battery on the island, which was repeated by eight guns at distant points. Immediately after leaving the cover of the island she was fired

* July 28.—To give one illustration, Masurda, a young interpreter, who resided some months at the legation, told Mr. Portman that the Wyoming had done well, and the government was much obliged to us.

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on by the two vessels which I have before described, and received the fire of six batteries while passing, during a period of 1½ hour. The Medusa can only steam six knots an hour, and as the tide was running out at five knots, her progress was slow. She was hulled fourteen times, and had four men killed and five wounded.

Five of the shots were very near the water-line, and she had a very narrow escape from destruction. During this entire action the Japanese vessels showed no other flag than that of the prince.

The Medusa returned the fire of the batteries and ships with promptitude and animation. The loss of life is supposed to have been heavy, although not positively known.

The existence of these formidable batteries, each of at least three guns, (12, 24, and 32-pounders,) lining the north side of the straits, cut out of the precipitous rock about 70 feet above the water, skilfully masked, and most admirably served, made me feel very anxious for the safety of the Wyoming. Her mission was, under any circumstances, bold and daring. The naval officers of all nations, now at this port, expressed fears for her safety.

I had been quite glad that no offers of assistance had been made by the British or French admiral. It is unnecessary to say to you that I felt precluded from asking any.

My anxiety was relieved by the return of the Wyoming early in the morning of the 20th instant.

From a copy of the report to the Secretary of the Navy, with which I have been furnished by Commander McDougal, it appears he entered the straits on the 16th instant, from the eastward, passing up the Bungo channel. When the Wyoming was seen approaching, a signal gun was fired from the first battery. As she rounded the point the steamer Lancefield, of four guns, the brig Lanrick, of ten guns, and a bark of four guns, were seen anchored opposite the village of Simonoseki. All six of the batteries fired on the Wyoming as she steamed past them, carrying the national flag after the first battery had fired—the Wyoming reserving fire till she reached the ships.

By skilfully avoiding the main channel on which the guns of the batteries were trained, and keeping close to the batteries, the shot and shell mostly passed over the vessel, only damaging the rigging. Approaching the vessels, against the remonstrances of the Japanese pilots, who declared he would run aground, Captain McDougal carried the Wyoming between the bark and brig, on the one side, and the steamer on the other, receiving from and delivering broadsides into each of the ships. It was at this point the Wyoming was most under fire. Putting the ship about, he sent three 11-inch shells into the Lancefield, the last of which exploded her boilers, and she was then run aground. The brig Lanrick was sinking as the Wyoming left, and the bark badly injured. The Wyoming then returned through the straits, pouring shot and shell into the batteries. The steamer Lancefield had the Japanese flag at the peak, but quickly lowered it. The other vessels carried both the flag of Japan and that of the prince.

I regret to have to say that this success was attended with the loss of four seamen killed and seven wounded, one of whom has since died.

The loss would have been much more severe had it not been for the skill and judgment shown by Captain McDougal in avoiding the usual route by the main channel. The guns on the batteries were depressed so as to strike the hull of passing ships at that point, and stakes were set up near the guns, giving the range, so that each gun could be fired as the foremast of the ship came in range with the stake at the gun.

The Lancefield was a fine iron steamer, of near 600 tons, purchased of the English firm of Jardine, Mattheson & Co., for the sum of $115,000; and the brig Lanrick, formerly in the opium trade, pierced for 18 guns, though carrying

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only 10, was purchased of the same firm for $20,000. The bark was built by the Prince of Thizen, and sold by him to the Prince of Nagato.

The officers of the custom-house were overheard (as I am informed by the consul general of the Netherlands) by one of his employés to say that when the boiler of the Lancefield exploded 40 men were killed, being scalded or suffocated.

This morning Admiral Jaures returned in the Semiramis. He reached the straits on the morning of the 20th instant, but as his frigate was very heavy, did not enter the straits. The Tancrede only reached a point opposite the first three batteries. Apprised of their existence, the admiral anchored outside, and, landing a force of 150 men under the cover of his guns, seized and destroyed one of the batteries, blew up a powder magazine and daimio's residence near the entrance, and burned the small village of Amidagamune, in which several thousand horse and foot soldiers were stationed, who made but a feeble resistance.

In one of the batteries a European work was found, marked at a page giving directions for the management of a battery engaged with a steamship embarrassed by difficult currents.

The bark and steamer were not seen by the French, having probably been taken into some of the numerous inlets near, but the masts of the sunken brig were visible.

It was quite fortunate that, in all these affairs, no guns were fired from the southern shore in the territories of other daimios. These straits can very easily be rendered impassable; and had these vessels been exposed to a severe cross-fire, escape would have been almost impossible.

It is greatly to be regretted that intelligence of these different outrages reached this port at different times, so as to lead to separate action. The punishment, though severe, is not so thorough as may be needed. It is thought, by all the representatives of the treaty powers, that the promptitude with which it has been inflicted will have a favorable influence, and will tend to the preservation of peace.

If the Tycoon is sincere in his professions of friendships to us, and if he is acting with duplicity only at Kioto, where he is under duress, he may have heart and courage to maintain his authority. But all we can now say is, we are groping in the dark.

At this place we have little or no intercourse with the government. Our letters from the ministers are limited to information concerning changes made in their officials, fires at Yedo, and other kindred subjects, while every inquiry in relation to important events is met by professions of ignorance or promises of information at some future unnamed period.

I enclose Nos. 3 and 4, copies of letters addressed by me to the ministers, briefly detailing the operations of the Wyoming; also (No. 5) translation of a letter from the acting consul general of the Netherlands in relation to the action of the Medusa.

Yesterday afternoon, Sakai Hida No Kami, an assistant minister and member of the second council, came down in a steamer from Yedo, on his way with troops to Osacca, and asked for an interview with all the ministers.

At this conference the representatives of France, Great Britain, Holland, and myself, were present.

He commenced by saying he had nothing to communicate to us, but that he could not think of passing by this port without calling on us and inquiring about our health. After many compliments, he asked about the wounded on the Wyoming, and expressed his regret that our ships and those of Holland and France had been fired into, and said he was on his way to Kioto to give the Tycoon full information.

I replied that this information must have reached the Tycoon, who was so

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much nearer the scene, much earlier than it reached Yedo; and I inquired why orders had not been given by the Tycoon for his vessels and troops to punish such an unauthorized use and abuse of his flag. He said he supposed he had not sufficient force. I said that if, when I was informed of the outrage, any disposition had been shown by the government to act, the necessity of the visit of the Wyoming would not have arisen; and I then asked, What can the Tycoon do now; and what will he do? To this he replied, that he could not say; that the Tycoon could not, of course, approve of such conduct; that he had made the treaties; that he would observe them "for a very long time, or, as long as he could;" but that it might be found that the Prince of Nagato had acted under the orders of the Mikado, and if so, the Tycoon would be compelled "exteriorly" to approve his conduct, but that "interiorly," of course, he would disapprove, and continue the friend of the foreigners.

I then asked the vice-minister whether it was true that the troops of Nagato, Tola, and Satsuma, had been engaged in conflict with those of the Tycoon; and whether the Tycoon was regarded as being in danger. He said he did not know. I asked, why then are you taking troops and artillery to Osacca? He said it was his own idea; he thought they might possibly be required for the defence of the Tycoon.

You will see, from this statement, how unsatisfactory our relations are, liable, as they are, to changes from the operation of influences we know to be busily at work, but which are carefully and skilfully hidden; we can only hope for the best, while we advise preparations for the worst.

I have already informed you that the ministers for foreign affairs, in office at the time of my arrival, have been punished by a fine of about half their property. All who have occupied positions, up to the accession of the present ministry, have shared the same fate. The Regent, who alone raised his voice at Kioto for the observance of the treaties, has been deposed. The danger is, that the ministers who constitute the forlorn hope, as it were, of Japan, in order to save themselves, will be overawed by the hostile daimios. The current is now setting strongly against us, as is proved by the fact that those regarded as most friendly, such as the Prince of Pwari, of the imperial family, instead of declaring the treaties should be observed, content themselves with deprecating hostilities, only because Japan is not quite ready yet for war. The French minister has an account of a conference of Pwari with the Gorogio and others, at which such language was used, to which he referred yesterday; and the orders stated to have been given were admitted by the vice-minister to have been issued; but he said they were given only in view of the British demand for indemnity.

I have confined my narration of the conversation which took place to what relates to the affair with the Prince of Nagato.

The British and French ministers made strong declarations against the right of daimios to own armed vessels, and said that it might become necessary to seize them.

There is entire harmony between myself and all the foreign representatives; though, perhaps, I have greater sympathy with this people, and am only beginning to surrender a confidence which they have long since felt obliged to withhold. I shall never cease exercising forbearance until it would degenerate into weakness. Nor shall I yield to distrust, except in cases—and, alas! there are too many—where I can only believe by distrusting my own senses, or proof equally convincing.

I must here state my conviction that Mr. Harris must have foreseen the probability of such occurrences. His sagacity and keen observation could not have been entirely baffled even by Japanese dissimulation. It is not surprising that, isolated as I have been at Yedo, and with only occasional and very unfrequent visits to and from my colleagues, prepared to regard every one with friend-

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ship and favor, and very properly left by Mr. Harris free to form my own judgment, I should have been slow to believe that any difficulty could or was likely to arise.

The archives of the legation, I am able to say, will prove that no minister could have tried more faithfully and more perseveringly to cultivate and continue friendly relations than I have done, and I have the satisfaction of knowing that no word or act of mine has impaired the friendship which has existed. I still believe that the feelings of this government and people towards the government and people of the United States are decidedly friendly; but recent occurrences have proved what I predicted, that any discrimination is practically impossible; we are foreigners, and must share the common fate.

The despatches which I have sent, particularly since February, when I was informed that civil war was apprehended, will have prepared the President for this unfortunate state of things. The people of the United States, who have rather rose-colored views of Japan, will, I apprehend, not be prepared for the shock which will be given to the ideas they have formed of our relations with this country.

The visit of the ambassadors to the United States, affording so large a multitude glimpses of the dress, customs, and manners of this strange people, and the many proofs of friendship for our government and people which have been given, and which are still proffered, have diffused, very generally, the belief that, as if in an instant, the barrier of isolation reared nearly three centuries ago, and which has been so sedulously and carefully maintained, was at least overleaped, if not broken entirely away. Prejudices rendered venerable by age; animosities, strengthened by time and by national pride, as well as national policy; an intolerable pride of birth, which, attributing to the ruling class a heaven-born origin, requires all others to grovel in the dust before a favored few; laws founded on and fostered by ignorance and prejudice, and so hedged around with Divinity as not to be susceptible of alteration or suspension, except by violence, are not to be altered or broken down in a day. Their grasp on the nation is too firm to be loosened by paper or parchment and by signatures to a few treaties—treaties which have not been really accepted by government or daimios, but only submitted to, though still viewed as a public injury and a national disgrace.

No outlet has yet been made for the subsidence of the dark waters of prejudice, pride, and hatred, which have been so long accumulating. None of the ministers who have been accredited to this country have ever exchanged a syllable or been admitted to a sight of one of the chief hereditary princes of this empire, except the Tycoon, seated at a distance, and as if on a scenic stage. Probably the smallest of the great daimios would feel disgraced by contact with the most powerful of the western potentates. The individuals described as princes in our treaties, and sent to the United States and Europe as ambassadors, were not even of the lowest class of daimios. They had and have titular and not hereditary rank, and you will see are described in the manifesto signed by the great daimios, which I sent you, as "respectable persons."

I have no time, nor is it necessary I should enlarge on this theme. It is sufficient to say that, to this day, the law of banishment against foreigners is unrepealed. With all its grim barbarity it is in full force. The meanest coolie who strikes down a foreigner violates neither public sentiment nor political law. If unembarrassed by fear of foreign force, it would be decreed he had deserved well of his country.

No conviction of public good, nor respect for other nations, opened this country to residence and to commerce. The silent but no less potent utterances of bayonet and wide-mouthed cannon burst away the barriers of isolation, and our foothold here can be maintained only by a firm attitude and with the hand on the sword.

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It is useless to inquire whether the trade of Japan is worth the expenditure of treasure and blood it may involve. This country cannot be sealed up again, even if no merchandise should ever again be sold or brought here. It is on the great highway of commerce in the east, where ships will soon be counted by thousands. The sea is tempestuous, the currents treacherous, the coast rock-bound and dangerous, and shipwrecks (of which two of American vessels have occurred within the last eight months) will soon be greatly multiplied.

These remarks are not made because I believe hostilities will or should ensue with this government; on the contrary, I hope and think they may and will be averted; but simply with reference to a proposition, true everywhere, but here more than anywhere else, that the price and the only security of peace is preparation for war.

The British fleet will leave this port in a few days, but it is undecided whether it will first visit the straits of Simonoseki, or proceed directly to Kagosiena, the chief city of Satsuma, for the purpose of demanding the surrender of the murderers of Mr. Richardson and the payment of £25,000 sterling indemnity.

I enclose a printed list of daimios, with their incomes, carefully compiled from Japanese documents, and quite accurate, which may greatly interest you and give you valuable information; also printed accounts of the different attacks at Simonoseki.

I also have the pleasure to enclose a small map, showing the track of the Medusa and Wyoming, and the position of batteries and Japanese vessels, for which I am indebted to the kindness of Captain Brine, of the royal engineers.

I only add, that I await with great solicitude the decision of the President, but with entire confidence that my conduct will meet his and your kind approval, and that also of a great nation, never more truly great than now, when engaged in the noblest struggle for freedom, in its fullest and most general sense, which the world has ever witnessed.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington,

CONSULATE OF THE UNITED STATES,
Shanghai, July 3, 1863.

Before me, George F. Seward, consul for the United States at Shanghai, China, personally appeared Captain Simon W. Cooper, Samuel W. Leavitt, engineer, J. L. Folsom, 1st assistant engineer, and William Jones, 2d officer, all of whom are attached to the American steamer Pembroke, in their several capacities mentioned, who being sworn, all depose:

On the 26th ultimo, while we were pursuing our voyage from Yokohama to Shanghai, *viz* the island sea and Nagasaki, we then being near the western entrance of the island sea, were attacked by armed Japanese government vessels under the following circumstances:

We left Yokohama on Sunday, the 21st ultimo. We proceeded, as above, on the voyage to Shanghai. On the 25th ultimo, at 2 p. m., about, we passed a Japanese European-built bark; the bark was well armed and full of men, but with no ensign set. After we had anchored for the night, say at 4 p. m., the bark came down with a fair wind, and Japanese flag flying. The flag was the same as used on all government war vessels. It is a square flag, a white ground with a red ball in the centre. The bark passed our vessel and anchored at the head of the entrance. straits about a quarter of a mile away.

As she approached us a gun was fired from a bluff about four miles off, and the signal was repeated all along the coast.

During the evening she was worked around broadside to the wind and to our vessel. At about 7 a. m. she commenced firing at us; we could discern the vessel plainly and the position, by the lightning, although the night was very dark.

After she had fired a dozen shots, one of which cut away our topmast backstay, and all

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passed close to us, a brig, which we recognized as the former British brig Lanrick, suddenly appeared, coming from windward; she passed about forty yards from us and dropped anchor close to the bark.

Both vessels then fired as rapidly as they could load and discharge; but we had got steam up and ran out of fire, escaping to sea through the Bungo channel, a narrow and unfrequented strait. We had to restrain the native pilot, who attempted to escape. During the attack many lights were in motion on shore, and the noise of many boats distinctly heard by us. When the Lanrick passed us a terrific yell was raised from both vessels. If her guns had been discharged at that moment, we should have been destroyed. Our guns were lashed. We fired no return shots, all our efforts being directed to getting under way.

The inland sea is frequented by foreign vessels. We had no notice that we should not make the voyage that way.

SIMON W. COOPER.
J. W. LEAVITT.
J. L. FOLSOM.
WILLIAM JONES.

Sworn and subscribed to before me, the day of the year above mentioned.

G. F. SEWARD, *U. S. Consul.*

I, George D. Porter, deputy United States consul, do hereby certify that the above is a true and correct copy of the original deposition.

GEO. D. PORTER,
Deputy U. S. Consul.

Statement of loss suffered in consequence of a murderous assault made upon the steamer Pembroke, in the inland sea, on the 19th June, by armed vessels flying the flag of the government of Japan.

Loss of time by being obliged to go through an unknown and circuitous passage to reach the open sea, five days, at $300	$1,500
Loss of freight and passengers, through not being able to visit Nagasaki, whither she was bound, estimated at	6,500
Consideration to be distributed among the officers and crew as recompense for the deadly peril to which they were subjected	2,000
	10,000

RUSSELL & CO.

SHANGHAI, *July* 4, 1863.

No. 85.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, July 20, 1863.

I have the pleasure to inform your excellencies that the United States ship Wyoming, immediately on the receipt of the information that the United States merchant steamer Pembroke had been fired into at Simon-no-seki by the Prince of Nagato, proceeded to the place, and on the 16th instant engaged his batteries, the steamer Lancefield, the brig Lanrick, and a bark whose name I have not learned. The brig Lanrick was sinking at the time the Wyoming left, and the steamer Lancefield was driven on shore, her boilers struck by a shell and blown up.

The attack on the Pembroke was an act of piracy, which required immediate punishment. As it was also an insult and a defiance of his Majesty the Tycoon, in treating as enemies those whom he regards as friends, I regret that your excellencies did not propose to inflict the punishment yourselves, or to unite your flag with ours in doing so. This you doubtless omitted to do, as all your forces at that time were required at Osacca for the defence of his Majesty the Tycoon.

I have the honor to inform your excellencies that I propose to concert with

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the ministers of the powers whose flags have been insulted, for such other and further measures of punishment as may be thought advisable.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States of America in Japan.

Their Excellencies the MINISTERS OF FOREIGN AFFAIRS, *Yedo.*

No. 86.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, July 22, 1863.

It appears from the report made by Commander McDougal, of the Wyoming, that on the 16th instant he arrived in the straits of Simon-no-seki, and was at once fired on by the batteries on the north side of said straits; he passed through without firing a shot, receiving the fire of six batteries. Opposite the village of Simon-no-seki he passed between the brig Lanrick and a bark anchored near her and the steamer Lancefield. These vessels poured broadsides into the Wyoming, to which she at once replied. On her return through the straits, she sent three of her eleven-inch shells into the Lancefield, exploding her boilers, and left the Lanrick in a sinking condition, as I have already informed your excellencies.

The Wyoming fired into the batteries only on her return.

My object in writing this is to call your excellencies' attention to the fact that, without the provocation of a shot by the Wyoming—which, indeed, was not aware of the existence of any batteries at that point—these vessels and batteries fired into the Wyoming, killing four and wounding seven of her crew.

The Wyoming proceeded to the place for the purpose, as I have already informed Matsdaira Iwanie No Kami and Ogasawara Sets No Kami, governors of foreign affairs, of seizing those vessels. Had this been accomplished, it would have been a pleasure to deliver them to your excellencies, as having committed a serious offence against his Majesty the Tycoon, as well as the United States.

I was happy to hear the above-named governors disavow, on your behalf, these criminal acts of that prince; and it will contribute to a good understanding and the friendship which has thus far so happily existed between the United States and Japan if your excellencies shall give practical effect and value to that disavowal by causing ample reparation to be made for the insult and injury to both the Pembroke and the Wyoming.

With respect and esteem,

ROBERT H. PRUYN,

Minister Resident of the United States of America in Japan.

Their Excellencies the MINISTERS OF FOREIGN AFFAIRS, *Yedo.*

[Translation.]

No. 261.] YOKOHAMA, *July* 17, 1863.

SIR: Hostile encounters are usually misreported; and in order to prevent this, I have the honor to inform your excellency of an engagement into which the Netherlands steam-sloop Medusa was forced by batteries and two armed Japanese vessels when passing through the straits of Simon-no-seki, the western entrance to the inland sea.

On leaving the bay of Nagasaki, on the 9th instant, we met the French steamer Keinchang, on mail service, commanded by Lieutenant Lafont, who kindly came on board with our letters, also giving us his report to the admiral commanding-in-chief the naval forces of France in the China and Japan seas, then at Yokohama. Lieutenant Lafont informed us that the batteries in the straits of Simonoseki, and also two foreign-built ships under Japanese colors, had the audacity to open with their guns upon his ship, where the French flag was flying.

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The commander of the Medusa having, before leaving Nagasaki, decided to proceed to Yokohama, through the inland sea, had been accordingly furnished with a pilot by the governor of Nagasaki, and he at once, under full steam and canvas, made for the straits, which the Medusa entered the 11th July, at 7 o'clock in the morning.

As soon as we hove in sight, two guns were fired from a battery, followed by eight more from an armed brig.

Hearing no whirring sound, we presumed they were only signal guns on the arrival of a vessel.

The Medusa, however, prepared for action; the guns on both sides were manned, and every man was at his station, waiting to fire as soon as the first shot should have been fired at us.

The greatest silence reigned on board, and no one believed that the Japanese would dare commit the slightest hostility, when suddenly an eight-gun battery, and three of the vessels at anchor in front of the town, flying a flag of blue and white (that of the Prince of Nagato) at the fore, but no flag at the peak, opened fire with shot and shell, fortunately aiming too high, thus saving us from a perfect shower of iron. A port broadside was the immediate reply. Owing to the short distance—of two or three cable's lengths at most—each shot and two shells of 20 centimetres told admirably on the great battery, and two of our shots inflicted much damage among the guns of one of the vessels.

The order was given to proceed as slowly as possible, in order to give time to point the guns carefully, and as on the starboard side we were not engaged, all hands were employed at the port guns, keeping up the fire with two guns at the time, when suddenly the guns of a fourth battery added their thunder to that of the three others.

To our great regret the Medusa could not approach near enough to the vessels to either sink or take them by boarding—a sand bank lying between these vessels and our ship—and they were anchored in only two fathoms water.

Exposed to a very sharp cross-fire of four batteries, the Medusa was struck by shot of 24 and by two shells of 16 centimetres, which exploded after penetrating.

The commander seeing three men struck down, horribly mutilated by a single shot, and apprehensive of fire from the shells, sent some men to put out the fire which had actually broken out already in the bulwarks and below in the engine-room.

The steady fire of the enemy, however, somewhat slackened in the great battery, which raised the spirits of our crew, when a fourth man fell mortally wounded on deck.

The fire from the vessels becoming less brisk, we could perceive that our shot had seriously damaged their guns. The Medusa still proceeded slowly, throwing shells of 20 and shot of 30 centimetres, and while passing through the straits she was successively exposed to the fire of five other batteries with guns of heavy calibre, the correct firing of which made the commander feel apprehensive for our boilers or our engines, without mentioning the danger of having the rudder disabled, in which case the ship might have been sunk in these straits, which are so narrow and of such difficult navigation.

God, however, preserved us from this imminent danger, so that after passing the ninth battery, which, like the four others, was masked by trees or protected by rocks. we reached the inland sea, having been one hour and a half in passing through the straits, under a steady fire of shot and shell of 16 centimetres.

It can hardly be realized that we only lost four men, and had only five wounded, two of whom are still in a dangerous condition, having been hit by fragments of shell on the head; and when looking at the damage from the enemy's fire to the hull of the ship, one would believe in a miracle. Of 31 shot which struck the Medusa, 17 were solid shot of 24 and shells of 16 centimetres that penetrated. Of these projectiles three shells exploded—one among the guns, one in the engine-room, and one on deck—while the others passed through the launch, the cutter, the smoke-stack, and various other places above deck, when I came very near being killed myself by the same shot, which killed the captain of a gun; at that some moment the commander and Midshipman Wissel were slightly wounded by splinters.

All the officers near the guns or on deck at their respective stations directed the fire with perfect coolness; and considering that most of the crew were for the first time called upon to vindicate the honor of the flag, amidst so many chances of getting killed, and that, while having at every moment to change the elevation of the guns, they kept up a steady fire, a well-deserved admiration for the excellent discipline on board of this ship-of-war cannot be withheld from them.

I have the honor to be, with great respect and high consideration, the consul general of the Netherlands,

D. DEGRAEFF VAN POLSBROEK.

His Excellency General PRUYN,
Minister Resident of the United States in Japan.

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Mr. Pruyn to Mr. Seward.

[Telegram.]

No. 49.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, July 24, 1863.

SIR: 26th June American steamer Pembroke attacked at Simonoseki, 600 miles from here, by vessels of Prince of Nagato. 16th July Wyoming blew up his steamer, sunk a 10-gun brig, engaged 6 batteries, with loss of 4 killed, 7 wounded. French gunboat fired into, 8th July; Dutch sloop-of-war, 11th July, at same place; 20th July, French Admiral destroyed one of those batteries.

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 50.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, July 25, 1863.

SIR: I have the honor to inform you, that at a meeting of the representatives of the United States, France, Great Britain, and the Netherlands, held this day, for the purpose of considering the actual state of affairs in Japan, it was unanimously agreed that the inland sea, which is now closed to commerce by the outrageous acts of the Prince of Nagato, should be reopened, and that such measures as may be necessary to accomplish the same be taken by the officers commanding the naval forces of the governments named, and that it is desirable that for that purpose, and for the protection of the opened ports, the joint presence and action of such naval forces are advisable; and that the Japanese government be notified of this decision, so that it may, if it think proper, by its prompt and immediate action, render it unnecessary for the naval forces of the treaty powers to carry this decision into effect.

It was understood that the special claim of Great Britain on Satsuma should be reserved for the action of that power; and the claims of the United States, France, and the Netherlands, for the acts of the Prince of Nagato, be reserved for the decision of said governments, separately or combined, as they may determine.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pruyn to Mr. Seward.

No. 56.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, August 14, 1863.

SIR: At the time the British demand was made, I cautioned this government against pursuing the suicidal course, which it appeared inclined to adopt, of avowing its inability to exert any authority in the dominions of Satsuma. I

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pointed out to them, that if Satsuma was so far sovereign as to make a treaty for the payment of an indemnity, and the surrender of the murderers of Mr. Richardson, it would be difficult to deny his right to exercise other acts of sovereignty, such as making a treaty of friendship, commerce, &c.

I was informed that the government would assume all the responsibility of the adjustment of the British indemnity. It has, accordingly, been prepared to pay the entire amount demanded; but it has not been able to surrender the murderers. The reason given is, that they have escaped; but the real difficulty is, that Satsuma's principality cannot be entered, being sealed, far more effectually than in former times were the highlands of Scotland, and some parts of Ireland, against the execution of any process of the British monarch or courts.

A few remarks may enable you to understand more fully the position of affairs.

Three centuries ago Japan was divided into independent kingdoms, and governed by independent sovereigns, the Mikado being only the nominal chief or ruler of all. The great Taico Sama, and his greater successor Tyeyas, the framer of the present system of government, conquered these petty princes, some of whom were entirely destroyed, and their territories usurped by the reigning family, or distributed among its retainers. A few of the old daimios were suffered to retain their possessions in whole or in part, but were divided from each other by three great principalities, erected in Central Japan, possessed by Kshii, Owari, and Mito, descendants of the Tycoon Tyeyas, and by other territories granted to their Gofoodai, or great vassals. Two-thirds of Japan is governed by this family and its vassals, who control the executive power of the country. Kangu, Satsuma, Fhizen, and the other great daimios, dating back of the present dynasty, and called Koski, it now appears, still exercise sovereign power within their own territories.

The Gosaukays, or families eligible to the Tycoonship, are constantly intriguing against each other. The family of Mito has never succeeded in having one of its members elevated to that dignity, which has been held by Kshii and Owari, respectively, to its exclusion. This is said to be owing to the fact that the present Mito family are not actually descended from Tyeyas, but only adopted. This is the mode of keeping alive the great families of the empire.

The great daimios in council determine the policy and action of the government; the Gorogio, or five wise men, being the organ through which its decisions are promulgated and enforced.

Up to this time all the difficulties which have attended foreign intercourse, and all the dangers to which foreigners have been exposed, have been attributed to the hostility of Mito and Satsuma.

The treatment of the officers and crew of the bark Chevalie, and the recent payment of the British indemnity, while Mito has been acting as Vice Tycoon, has induced us to believe that we have been deceived as to his real sentiments. In a short time we shall be better able to pronounce an opinion as to the policy of Satsuma. Should the British chargé d'affaires make a treaty with him, as is possible, and the Tycoon's government repose in greater confidence in the treaty powers, it is possible that the serious question may be presented, whether those powers will not be justified in recognizing the great independent daimio as sovereign. To avoid this, the government of the Tycoon will, probably, observe with more fidelity the existing treaties, and adopt a more liberal foreign policy.

As the British fleet will probably return before the next mail leaves, I refrain from remarks, which may prove of no value, in the light either of its achievements or of possible barren results.

I enclose No. 1, translation of a letter from the Gorogio to the French minister, the only one as yet received by any minister in relation to the attacks at, and expeditions to Simonoseki. You will see that the Gorogio assent that the declaration of their envoys, that it has no power to enforce obedience from some princes, is a mistake; a very careful translation shows that the denial relates to

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the declaration, and not to the fact itself. I also enclose No. 2, copy and translation of memorandum, signed by the representatives of France, the United States, Great Britain, and the Netherlands; and No. 3, copy of my letter to the Gorogio, transmitting the same; and Nos. 4 and 5, copies of letters to the Gorogio, in reply to their announcement that they had returned to Yedo, and than Ogasawari Dsusio No Kami had been dismissed from the Gorogio.

I have this day received a letter from the minister, informing me of the appointment of Sakai Pota No Kami as his successor; of which I enclose translation, enclosure No. 6. This minister is of higher rank than any who has ever held this office, with one exception; and you will perceive he is to take precedence of his colleagues.

In view of the great delay which always takes place before answers are received from the Gorogio, I have thought it better to send you copies of my letters without waiting for their replies.

On the return of the British fleet, measures for opening the inland sea, now held in abeyance, may be found necessary.

The pilot of the French fleet has been murdered near this place, and the others are threatened. It will prove a source of danger if the punishment inflicted on the house of Nagato be only sufficient to irritate him, and not so severe as to prevent further hostile acts.

I cannot divest myself of great sympathy for this government and people, and hope that further measures may be safely avoided.

I have the honor to be, sir, very respectfully, your most obedient servant,

ROBERT H. PRUYN,
Minister Resident in Japan.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

The Gorogio to Mr. Bellecourt.

[Enclosure No. 1.—Translation.]

YEDO, *July* 24, 1863.

The Gorogio to the Minister of France:

We learned with surprise, from your letter of the 17th instant, that vessels-of-war and batteries in the vicinity of Simoneseki, in our province of Nagato, of which Matsudaira Daisen No Daiboo is prince, have fired into one of your ships-of-war, causing damage to that ship; and that, in consequence thereof, his excellency Admiral Jaures, French admiral, had left for that place.

These attacks have not been only against your man-of-war, but also against American and Dutch ships, as we have been informed. For these reasons our government will take some measures. It is, therefore, desirable that you will wait some time for that arrangement.

It is stated in your letter that our envoys had declared to you that our government had no power to enforce obedience from some of the princes, but this is not so in reality; it is possible that this assertion is based upon some misunderstanding during the conferences.

Which we state in reply to your letter.

With respect and consideration, the 9th day of the 6th month of the 3d year of Bunkin, (July 24, 1863.)

MATSUDAIRA BOODZEN NO KAMI.
INOWUYE KAWATSI NO KAMI.

Memorandum signed by Representatives of France, &c.

[Enclosure No. 2.—Translation.]

The undersigned, representatives in Japan of France, the United States, England, and the Netherlands, have met on the 25th July, 1863, at Yokohama, for the purpose of examining the present state of affairs in Japan, and of passing a resolution on the subject.

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After discussion, it has been agreed that it is indispensable for the maintenance of the rights secured by the treaties concluded with Japan, to proceed immediately with the reopening of the inland sea, unobstructed until now; the free access to which has now been unexpectedly interrupted, through the offensive aggressions of which the Prince of Nagato has been guilty, by causing the merchant and war vessels of several of the said treaty powers to be bombarded from batteries erected on the shores of his principality, and that, in consequence thereof, it is expedient to request the admirals and other officers commanding the naval forces of the powers above mentioned to take all such measures as they may deem proper to bring about this result.

With this object, and also in view of the protection of their countrymen, at the opened ports, the said representatives declare that it appears necessary to them to establish a combined action of the naval and military forces available in these seas. It has also been agreed that the government of the Tycoon shall be informed of this decision, in order that this government may be enabled to take at once, and with promptness, if it can do so, the requisite measures to effect, with its own means, the objects above indicated, as its action, if it be as vigorous and prompt as the present circumstances require, might render it unnecessary for the agents of the treaty powers to proceed with the operations, the motives for which the undersigned have herein set forth.

DUCHESNE DE BELLECOURT,
Minister Plenipotentiary of his Majesty the Emperor of the French.
ROBERT H. PRUYN,
Minister Resident of the United States.
EDWARD ST. JOHN NEALE,
Her Britannic Majesty's Chargé d' Affaires.
D. DEGRAEFF VAN POLSBROEK,
Consul General of the Netherlands in Japan.

Mr. Pruyn to the Japanese Ministers.

[Enclosure No. 3.]

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, July 29, 1863.

I have the honor to enclose herewith translation of a memorandum, signed by the representatives of France, the United States, Great Britain, and the Netherlands, in relation to the opening of the inland sea.

The outrages committed by the Prince of Nagato are of a character which calls for immediate action by the Japanese government. The inland sea, at this time, is not open to our ships, even as a place of refuge in case of a typhoon. Valuable property, and even life, are liable to be lost for that reason.

Your excellencies must see that not even the delay of a day can be justified. It is needful to act with a promptitude commensurate with the danger to be avoided, and with a vigor and energy proportionate to the insult and injury to be punished.

As I have already explained, the Prince of Nagato has not only insulted his own sovereign the Tycoon, but those governments with which he is in alliance.

To be of value, the punishment should not only be severe, but immediate.

It is necessary that the government of his Majesty the Tycoon should, in the most solemn manner, disavow and reprobate the conduct of the Prince of Nagato. The formal disavowal and condemnation should be accompanied by such vigorous measures as shall effectually put a stop to all similar acts of hostility hereafter, by such chastisement as shall inflict heavy loss, and even, if needful, deprive him of the means of again thus offending.

By such a procedure the government of the Tycoon will give proof to the world of the sincerity and fidelity with which he will fulfil his obligations, and of the rigor and promptitude with which he will vindicate his authority and repress insubordination.

I would deeply regret, if, for any reason, it shall be necessary for the naval forces of the treaty powers further to intervene. But I cannot give a better proof of my good will to the government of the Tycoon, and of my desire to see

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friendly relations preserved with all the treaty powers, and particularly with the United States, than by most distinctly and plainly warning his government that this intervention can only be avoided by the immediate, vigorous and effectual action of the Japanese government.

The relations of this government, at this time, with the treaty powers, are of such a character as to make it, above all things, necessary that the position of his Majesty the Tycoon shall be fully and clearly defined. And I regretted to hear the assistant minister, Sakai Ilida No Kami, say, in a recent conference with the representatives above named, that the Tycoon might be obliged, though privately disavowing, yet publicly to approve the acts of the Prince of Nagato, if he had acted under orders of the Mikado.

Your excellencies will readily see that the treaty powers may be obliged to pass by the government of the Tycoon, and to address themselves directly to the Mikado, and, by such arguments and means as they have in their power, cause him to give indemnity for the past and security for the future.

I have, therefore, to request your excellencies to inform me, without delay, whether the government of the Tycoon is able and willing to open the inland sea, and how and when it proposes to do so.

With respect and esteem,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

Their Excellencies MATSUDAIRA BOODZEN NO KAMI,
INOWUYE KAWATSI NO KAMI,
Ministers of Foreign Affairs, &c., &c., Yedo.

Mr. Pruyn to Japanese Ministers.

[Enclosure No. 4.]

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, August 3, 1863.

I congratulate your excellencies on your return to Yedo, and desire to be allowed, through you, to present also my respectful congratulations to his Majesty the Tycoon, on his auspicious return to his capital.

During his and your absence, a letter signed by Ogasawara Dsusio No Kami was received by each of the foreign representatives, in which it was announced that the ports were to be closed, and the foreigners to be removed.

I embrace the earliest opportunity to call your attention to this extraordinary declaration, in the hope that such an unpardonable breach of treaty obligations could never have met with the approval of his Majesty the Tycoon, or have been entertained by him for a moment.

I therefore indulge in the hope that his Majesty the Tycoon will repudiate the declaration of your colleague, and direct that the letter in question be withdrawn.

The return of his Majesty will then prove to be an event which will insure peace and prosperity to his empire, while it will be the era from which will be dated the restoration of entire good will, confidence and friendship between the treaty powers and his government.

With respect and esteem,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

Their Excellencies MIDSUNO IDSUMI NO KAMI,
ITAKURA SUWO NO KAMI,
Ministers of Foreign Affairs, &c., &c., Yedo.

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Mr. Pruyn to their Japanese Excellencies, the Gorogio.

[Enclosure No. 5.]

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, August 8, 1863.

Under ordinary circumstances I should not reply to your letter, informing me of the removal from office of your colleague, Ogasawara Dsusio No Kami, but receive it in silence, as I have former similar communications.

But the removal in question is not of an ordinary character, as it was preceded by acts of that minister, directly and intimately connected with the relations of this empire with the treaty powers.

Into the cause of this the foreign representatives can, therefore, with propriety inquire, so far as it may affect the relations of the treaty powers with this empire, and as it may develop the policy and purpose of the government of the Tycoon.

During the absence of his colleagues in the department of foreign affairs, and of his Majesty the Tycoon, Ogasawara caused the indemnity for the murder of Mr. Richardson, demanded by the British, to be paid. This, it was understood and declared, was done contrary to the wishes, and even the orders, of his Majesty the Tycoon.

At the same time he addressed letters to the foreign representatives, announcing that the government proposed to close the ports, and required foreigners to withdraw from Japan. This, he stated, was agreeably to the orders of the Tycoon.

The first act was in the interests of peace. The last proposed to violate the treaties, and to initiate war against foreigners.

In one of these acts it is manifest the disgraced minister has been visited with the displeasure of the Tycoon, and it would, therefore, have been proper that, when informed of the removal, we should not have been left in ignorance of the cause.

It would afford great satisfaction to the President of the United States if I shall be able to inform him that the punishment has been inflicted because Ogasawara committed the serious offence of declaring that his Majesty the Tycoon proposed to violate the solemn obligations which he had entered into with the western powers, and not on account of his friendly and pacific negotiation with the British minister.

Your excellencies will perceive, that unless this declaration be made, no such construction can be put upon it.

The undersigned wishes your excellencies to receive this letter as a proof of his continued good will for this government, and of his great anxiety that all causes of difference and interest shall be removed.

With respect and esteem,

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

Their Excellencies MATSUDAIRA BOODZEN NO KAMI,
MIDSUNO IDSUMI NO KAMI,
ITAKURA SUWO NO KAMI,
INOWUYE KAWATSI NO KAMI,
Members of the Gorogio, &c., &c., &c., Yedo.

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The Gorogio to Mr. Pruyn.

[Enclosure No. 6.—Translation.]

We have to inform your excellency that Sakai Oota No Kami has been appointed a member of the Gorogio, and that he was instructed to take precedence over ourselves.

With respect and esteem, the 28th day of the 6th month of the 3d year of Bunkin, (the 12th August, 1863.)

MATSUDAIRA BOODZEN NO KAMI.
MIDSUNO IDSUMI NO KAMI.
ITAKURA SUWO NO KAMI.
INOWUYE KAWATSI NO KAMI.

His Excellency ROBERT H. PRUYN,
Minister Resident of the United States of America, &c., &c., &c.

Mr. Seward to Mr. Pruyn.

No. 46.] DEPARTMENT OF STATE,
Washington, September 1, 1863.

SIR: Your several despatches have been received, which bear dates and numbers as follows:

May 26, No. 29; May 26, No. 30; June 12, No. 31; June 15, No. 32; June 15, No. 33; June 16, No. 34; June 17, No. 35; June 18, No. 36; June 20, No. 37; June 22, No. 38; June 23, No. 39; June 24, No. 40; June 24, No. 41; and June 24, No. 42.

Due acknowledgments will be made to the French and British governments for the hospitalities and sympathies which were extended to you by their respective ministers on the occasion of your being driven from your residence in Yedo.

Your proceedings in relation to the claims of Switzerland, Belgium, Austria, Denmark, Sweden, and Brazil, to enter into treaty relations with Japan, are approved.

Several very important subjects are presented for consideration in your despatches. First, the destruction by fire of the residence of the legation at Yedo. Secondly, your removal of the legation to Yokohama. Thirdly, the differences between the British government and that of Japan. Fourthly, the order of the Tycoon, requiring foreigners to withdraw from the empire. Fifthly, the questions between Japan and the United States which have resulted from the occurrences thus brought under review. It will be proper to draw into connexion with this last topic the violences which have been committed against some of our citizens, as reported to this department in your previous communication, of the 12th of May last, No. 28, and which were commented upon in my instructions of the 10th of July last.

Having taken the President's directions, I proceed to consider these interesting and important questions.

First. The facts submitted by you raise a strong presumption that the act of firing the residence of the legation was committed by incendiaries, with a purpose at once political and hostile to the United States, and that the government of Japan could probably have foreseen and prevented it, and that they have at least given to it tacit assent and acquiescence.

Secondly. The President is satisfied that your removal of the legation from Yedo to Yokohama was prudent and wise, in view of the circumstances

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then existing in Japan, and the proceeding is approved. But it is equally clear that the government of Japan ought to have so controlled those circumstances as to have rendered the removal unnecessary; and that it is bound to provide for your safe return to Yedo, and for the secure and permanent re-establishment of the legation in that capital.

Thirdly. Your proceedings in regard to the controversy which has arisen between the British government and that of Japan appear to have been conciliatory, and to have been equally just and fair towards both parties, without at all compromising any rights of the United States, and they are approved.

Fourthly. It is with much regret that the President has arrived at the conclusion that the government of Japan has failed to keep its faith, solemnly pledged by treaty, with the United States. This regret is rendered the more painful by the reflection that this government has, from its first acquaintance with Japan, conducted all its intercourse with the Tycoon with the utmost sincerity, frankness, and friendship. The United States have constantly conceded, on their own part, and sought to conciliate other powers in their intercourse with Japan. If our advice had been followed, the dangers which now threaten the empire would have been averted, and Japan would have been able to profit by a peaceful yet free and equal intercourse with all nations. Even now, although the government of Japan has done so much and suffered so much to be done to alienate and injure the United States, the President is still disposed to persevere in the same liberal and friendly course of proceedings which he has hitherto pursued in regard to Japan. But the friendship of this country cannot be secured by the government and people of Japan, nor would it be of any avail, if the United States should fail to maintain their own dignity and self-respect in their intercourse with Japan with the same firmness which they practice in regard to all other nations.

1. You will, therefore, demand of the government of the Tycoon prompt payment of a sum sufficient to indemnify all the losses which were sustained by yourself and other members of the legation on the occasion of the firing of your official residence.

2. You will demand that diligent efforts be made to discover the incendiaries and bring them to condign punishment.

3. You will demand proper and adequate guarantees for your safe return to Yedo, and the permanent re-establishment of the legation there without delay.

4. You will insist on the full observance of the treaties between the United States and Japan in all the particulars which have not been heretofore waived or postponed by this government.

5. You will demand a reasonable indemnity, to be fixed by yourself, for the injuries which have been sustained by any American citizens from any acts of violence committed against them by Japanese subjects. And you will further demand that diligent efforts be made by the Tycoon's government to bring the aggressors to justice, and to inflict upon them such punishment as will be calculated to prevent further outrages of the same kind.

You will employ the naval force at your command to protect yourself, the legation, and others of our countrymen, under any circumstances which may occur; and you will inform the government of the Tycoon that the United States will, as they shall find occasion, send additional forces to maintain the foregoing demands.

So far as you may have occasion to counsel or act in relation to the controversy which is pending between Great Britain and Japan, you will be guided by the letter and spirit of previous instructions from this department.

You will send to me authenticated and verified accounts of the losses which have been sustained by yourself and other members of the legation by the burning of your residence in Yedo, to the end that an application may be made to Congress for an adequate appropriation for the proper indemnity.

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It is hardly necessary to say that you will, so far as is possible, execute these instructions in no spirit of resentment, or even of anger; but, on the contrary, while exhibiting the necessary firmness, you will make it manifest to the Tycoon's government that the novel and perilous circumstances which attend its situation are fully understood and appreciated by the President; and that he desires, with the utmost sincerity and friendship, to favor the interests of internal peace in Japan, and of peace between that country and the several powers of Europe and America.

I am, &c.,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yokohama.*

Mr. Seward to Mr. Pruyn.

No. 47.] DEPARTMENT OF STATE,
Washington, September 9, 1863.

SIR: Your interesting despatches of the 25th of June, (No. 23,) the 26th of June, (No. 44,) and the 27th of June, (No. 45,) have been submitted to the President.

In my instructions of the 1st of September (No. 46) I have anticipated the events occurring in Japan, which these papers have brought to my knowledge; and no special reply to them seems necessary, except that I shall invite the attention of the other treaty powers to the suggestion which you make concerning the expediency of demanding a ratification of the treaties by the Mikado, and of proper demonstrations to secure that ratification.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yokohama.*

Mr. Seward to Mr. Pruyn.

No 48.] DEPARTMENT OF STATE,
Washington, September 12, 1863.

SIR: Your communication, dated at Yokohama on the 24th of July last, was received here by telegraph, from San Francisco, on the 10th instant. The events to which it refers are extraordinary and important, but I shall defer giving you any instructions with regard to them until a despatch shall have been received from you more fully reporting the startling circumstances you have briefly communicated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yokohama.*

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Mr. Seward to Mr. Pruyn.

No. 50.] DEPARTMENT OF STATE,
Washington, October 3, 1863.

SIR: I have the honor to acknowledge the reception of your despatches of the 24th of July, (No. 48,) 24th of July, (No. 49,) and July 25, (No. 50,) which furnish the details of the assault made by the Prince of Nagato, or the Japanese, upon the American merchant ship Pembroke, and the proceedings of Commander McDougall, in the United States steamship-of-war Wyoming, under your sanction, to redress that wrong. The paper further describes the aggressions committed by the same parties against Dutch and British merchantmen, with the proceedings adopted by the representatives of all the treaty powers in regard to these outrages. Your proceedings, connected with them, are fully and cheerfully approved. You will, in all cases, hold the claims of this government and of citizens of the United States distinct and separate from those of other governments and subjects of other powers. But this separation will not be expected to restrain you from acting with your colleagues, and giving them your moral support; and when there is need, with reference to common defence, or to save a common right, or secure a common object, just and lawful in itself, the naval force of the United States will be expected to co-operate with those of the other western powers.

Having been advised by your despatch of the 8th of August, which came from San Francisco by telegraph, that the Tycoon has returned to Yedo, and that your relations with his government are much improved, I deem it inexpedient to restrain your discretion at present by special instructions, but cheerfully wait the development of events which must have occurred since that communication was sent.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ROBERT H. PRUYN, Esq., *&c., &c., Yokohama.*

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ROME.

Mr. Blatchford to Mr. Seward.

No. 1.] LEGATION OF THE UNITED STATES,
Rome, November 29, 1862.

SIR: I have the honor to acknowledge your despatches Nos. 3 and 4, and circulars Nos. 24 and 25. I arrived here on the 15th instant, and at once took steps for an interview with Cardinal Antonelli, secretary of state. He granted it to me on the 18th instant, when I delivered to him a copy of my letters of credence to his Holiness the Pope, and requested him to appoint a time when I could present to his Holiness the original in person. I soon received from the cardinal a despatch appointing November 26, at mid-day. At that time I repaired to the Vatican, accompanied by Mr. Stillman, the American consul here, and also by Mr. J. C. Hooker, of this city, whom I had appointed as my private secretary. I was presented to his Holiness by Mr. Stillman, when I addressed him as follows:

"I am happy in the honor of being presented to your Holiness as the representative of the United States of America near the Holy See, and of delivering to your Holiness, as I now do, my letter of credence as such representative from the President of the United States. I am happy, too, to avail myself of this occasion to express to your Holiness, on the part of my government, the assurance of the best wishes as well of the government as of the people of the United States for the health and happiness of your Holiness, and for the safety, prosperity, and happiness of the Roman people, and to assure your Holiness that the United States constantly preserve a lively remembrance of the many generous manifestations they have received of the good will and friendship of your Holiness, and that your Holiness may constantly rely upon them for the practice of all the duties which grow out of the relations of the two conntries as independent members of the family of nations."

To my address his Holiness replied, in substance, that it gave him pleasure to acknowledge the kindly feeling manifested by the government of the United States towards himself and the liberality shown to the Catholic religion, to which is owing so much of the growth and prosperity of the United States; that the affairs of our country had always interested him greatly, and its wonderful prosperity and enterprise had given it a great importance among the nations of Europe, all of whom are affected by the change in its condition, and suffer from the present troubles; that he had always prayed for our welfare, and continued to do so now, and especially that we might be speedily restored to peace; that he very much wished that the mediation of some of the European powers might be effectual, and thus end all the misery and bloodshed. But, he said, it is evident that this mediation, to be accepted, must be tendered by a power so unimportant as to irritate neither the pride nor the sensitiveness of the American nation; some smaller country that has no interest in diminishing the power of the United States, having neither army nor navy, and whose very humbleness may make the offer of her services

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acceptable. He said, also, that he had only a few battalions of soldiers, and no navy except a single corvette, which he had constructed in England for carrying cargoes of grain from Ancona around to Civita Vecchia during the last revolution; but now, all his states on the Adriatic are taken away, and even the corvette is useless.

Here his Holiness changed the subject, not caring, probably, as it struck me, to say anything as to an offer of his own mediation, and asked several questions about the war, which I answered.

His reception of me was very kind and cordial. He arose from his seat as I was taking my departure, tendered to me his hand and said: "I ask the blessing of God on your government and country, and desire that peace may return to it."

After my audience with his Holiness, I waited on the Cardinal Antonelli, and delivered to him a copy of your despatch (No. 4) relating to the dismissal of the consul at Vienna. After some personal inquiries, the cardinal turned the conversation on our war, and said, in substance: If I had the honor to be an American citizen, I would do everything in my power to preserve the strength of the nation undivided. That the great European powers are very much interested in the weakness of the United States, and doubtless see with pleasure the enfeebling of its forces brought about by the war, and would do all in their power to widen the division; that he would surrender for the moment every minor question of policy and interest for the preservation of the Union and of its political power; that the success of the present attempt at revolution would in a few years place the United States in the position of the South American republics, which it seemed to him would be a misfortune to the whole world.

I am, with great respect, your obedient servant,

R. M. BLATCHFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Mr. Seward to Mr. Blatchford.

No. 5.] DEPARTMENT OF STATE,
Washington, December 23, 1862.

SIR: Your despatch of November 29 (No. 1) has been submitted to the President. The speech you made to his Holiness, on occasion of presenting your credentials, was in all respects just and happy. The answer of the Pope, so far as it relates to our country, was what the government and the people of this country have expected. The sentiments expressed by Cardinal Antonelli in the conference with which he honored you were as wise and just as they were friendly in spirit towards the United States. In view of these facts, I can safely congratulate you upon the auspices under which your mission has opened.

There is no material change of affairs here. General Burnside has made a gallant but unsuccessful attack upon the insurgents behind Fredericksburg, attended with a painful loss of lives, but it draws after it no disaster or danger. All is safe in that quarter, and apparently prosperous elsewhere. Congress is practically suspending business for the observance of the holidays.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

R. M. BLATCHFORD, Esq., *&c., &c., Rome.*

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Mr. Seward to Mr. Blatchford.

No. 13.] WASHINGTON, *March* 30, 1863.

SIR: Your very interesting despatch of March 7 (No. 6) has been received.

The report of the resignation of the cardinal secretary of state excited much surprise in this country.

In his case, as in that of other statesmen, the opinions of men concerning him are determined chiefly by their favor or disfavor towards the system he supports. But I think there is an universal acknowledgment of the great abilities, the consummate skill, and the inflexible firmness with which he has hitherto conducted an administration encountering difficulties that, speculatively regarded, seemed insurmountable.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Mr. Blatchford to Mr. Seward.

[Extracts.]

LEGATION OF THE UNITED STATES,
Rome, April 4, 1863.

SIR: I have to acknowledge your circular of March 9, 1863, enclosing a copy of the concurrent resolutions of Congress concerning foreign intervention, and instructing me to make them known to the minister for foreign affairs. I waited on the Cardinal Antonelli yesterday and read to him your circular of March 9, and delivered to him, at his request, a copy of the concurrent resolutions. * * * * * *

His Holiness, as well as the cardinal secretary of state, are decided friends of the Union, and ardently desire that its integrity may be preserved. The latter was strong in the expression of his hopes that the north would speedily subdue the rebellion.

I have the honor to be, with great respect, your most obedient servant,

R. M. BLATCHFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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ITALY.

Mr. Seward to Mr. Marsh.

No. 59.] DEPARTMENT OF STATE,
Washington, November 18, 1862.

SIR: Your despatch of the 21st ultimo (No. 54) was duly received, and the proposal of Colonel Cattabene to organize four battalions of experienced soldiers, and to embark them for the United States, for service in the army of the Union, has been submitted for consideration to the Secretary of War, from whose department a letter declining the offer has just been received. In communicating to Colonel Cattabene the decision contained in this letter, of which I annex a copy, you will at the same time assure him that his generous proposal is properly appreciated, and will always be gratefully remembered by those who are battling in the sacred cause of liberty and Union.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., *&c., &c., &c., Turin.*

WAR DEPARTMENT,
Washington City, D. C., November 15, 1862.

SIR: In reply to yours of the 13th instant, transmitting a copy of a despatch from Mr. Marsh relating to the offer of Colonel Cattabene to organize four battalions, of 500 each, of experienced soldiers, and join the Union army, if provision is made for their transportation, I am directed to say that the law does not authorize the organization of troops on the plan proposed by Colonel Cattabene.

By order of the Secretary of War.

C. P. BUCKINGHAM,
Brigadier General and Assistant Adjutant General.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Marsh.

No. 60.] DEPARTMENT OF STATE,
Washington, November 18, 1862.

SIR: Your despatch No. 55, dated October 25, and relating to the proposal of Colonel Cattabene, which formed the subject of your previous despatch, has been received. I have already acquainted you, in an instruction of this date, with the decision of the Secretary of War, made on the offer of Colonel Cattabene as communicated in your first despatch concerning it; and I have now to inform you that the proposal, in the more definite shape in which it appears in your late communication, will be submitted anew for the consideration of the Secretary of War.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., *&c., &c., &c., Turin.*

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Mr. Seward to Mr. Marsh.

[Extract.]

No. 64.] DEPARTMENT OF STATE,
Washington, December 26, 1862.

SIR: Your despatch of November 28 (No. 60) has been received. The Secretary of War has, I think, adopted a policy which does not contemplate the acceptance of bodies of troops organized in foreign countries, even with the consent of their sovereigns. I have repeatedly received this exposition of his views, have received it from him even in connexion with the offer of Colonel Cattabene, so distinctly, that I feel authorized to give it to you now, as I think I have heretofore done, as the answer of the government to that proposition.

The Secretary of War still retains under consideration the offer of General Garibaldi. It involves some considerations upon which the convenience of that department must necessarily be consulted. It is a source of high satisfaction to know that the general has been so far relieved of his painful wound as to justify a hope of his rapid convalescence.

The information which your despatches contain in relation to the ministerial crisis in Italy is very interesting. We hear through another channel the important news of the retirement of Mr. Ratazzi. It is not within my province to discuss the character or the probable consequences of that proceeding. Constituted as Italy is, this government and the whole American people cherish a very lively interest in the stability and welfare of that kingdom. I sincerely hope, therefore, that no injurious consequences may result from the change of administration.

* * * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., *&c., &c., &c., Turin.*

Mr. Marsh to Mr. Seward.

[Extracts.]

No. 63.] LEGATION OF THE UNITED STATES,
Turin, December 31, 1862.

SIR: I have the honor to acknowledge the receipt of your instructions 61, 62, and 63, as well as of circular No. 28, relating to the tax on the salaries of government officers.

I have communicated to the minister of foreign affairs the substance of your letter, announcing the restoration of Mr. Canisius to the consulate at Vienna.

The new ministry has thus far lost none of the public confidence with which its entry into office was received, but it is yet too soon to judge how far its policy will be sustained by the nation and the Parliament. The cabinet is composed of able men, and it is generally true of this ministry, as of the members of the previous administrations I have known in Italy, and I may add of both houses of Parliament, that they are, in general, persons of more liberal culture, and more theoretical acquaintance with principles, or at least opinions in matters of public economy and government, than the corresponding classes in any country where I have had opportunity of observation. Parliamentary and administrative experience they, of course, have not yet had time to acquire; and, on the other hand, they have not had time to fall into many of the abuses

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and indecorums which are so apt to creep into the legislative and deliberative proceedings of governments.

* * * * * * * * *

In my interviews with the ministers, I have found them less inclined than most of their predecessors to express a decided interest in the success of the cause of the American Union, but I have certainly no reason to doubt that they are well disposed to that cause.

The King, whom I saw this morning, made several inquiries with respect to the prospect of a termination of the war, and evidently understands the difficulties which render a recognition of the independence of the southern States, or a compromise upon terms which they would, or we could, accept impossible. I have no doubt that the King desires the triumph of the national arms as a result important both to the cause of civilized order and to the interests of liberty and progress in both countries.

I have the honor to be, sir, respectfully, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Marsh.

No. 69.] DEPARTMENT OF STATE,
Washington, February 4, 1863.

SIR: Your despatch of the 31st December (No. 63) has been received. We are authorized to infer, from the incidents it relates, that the agitation which a few months ago so seriously threatened the peace and safety of Italy has subsided. What, when viewed at this distance, the new kingdom of Italy seems to need is such a season of repose from revolutionary debates as may allow the sentiments of nationality and independence to ripen and become habitual and constant.

We are again involved in active campaigns, and looking with anxiety, but not without confidence, to the operations of our great armies in Virginia and Tennessee, and to our powerful land and naval expeditions upon the southern coast and on the Mississippi river. The telegraph will report to you events in advance of any speculations that I might now venture to communicate.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., *&c., &c., &c., Turin.*

Mr. Seward to Mr. Marsh.

No. 74.] DEPARTMENT OF STATE,
Washington, May 7, 1863.

SIR: Your despatch of March 27 (No. 71) has been received. You request in it instructions upon the claim of Antonio Alajruo against the government of Italy for spoliation alleged to have been committed upon his property by the soldiers of the King of Naples during the siege of Palermo in the revolution of 1860, which resulted in the annexation of Sicily to the kingdom of Sardinia, and the consequent incorporation of the Two Sicilies into the kingdom of Italy. The claimant invokes the authority of the United States in the prosecution of his claim.

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The United States are at this moment engaged in suppressing a revolution which aims at nothing less than a dismemberment of the country and an overthrow of the government. The revolution solicits recognition and intervention on every side to insure the accomplishment of its destructive purpose. It is inconvenient, at such a juncture, to employ its authority in the prosecution of even just claims set up by meritorious citizens against friendly foreign powers. The government lies under no absolute obligation to any citizen to prosecute such claims, but it has a right to consult the public welfare, which is always paramount to the private interests of individual citizens. The reflection is a very obvious one, that in such a crisis a good and loyal citizen might be expected to be at home in the United States co-operating with his fellow-citizens in maintaining the government against domestic enemies, rather than to be residing abroad and invoking aid to prosecute claims of his own for redress of injuries which he may have suffered when domiciled amid the perils of a foreign revolution. Protection and support are reciprocal obligations. Mr. Antonio Alajruo seems to have scarcely conceived this truth. He came to the United States from Sicily, a minor, in 1852, and remained here until 1858, and was then naturalized; very soon thereafter he returned to his native country, remained there ever since, and has at no time manifested or indicated any purpose of returning to the United States to assume the obligations or to enjoy the privileges of American citizenship. The losses of which he complains were incurred in a revolution affecting the country in which he was born, and to which he had returned, apparently, at least, for a home for life. His claim is one of a class which the government of that country has admitted and made provision for. He has failed to obtain the benefit of that provision on grounds affecting the justice of the particular claim, and not its general character. Appeals from that decision to the equity of the government of Italy are as easy to him, personally, as they would be to the government of the United States, interfering in his behalf. The President excuses you from prosecuting the case, at least until it can be re-examined under more auspicious circumstances than those which now exist.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c., *Turin.*

Mr. Seward to Mr. Marsh.

No. 76.] DEPARTMENT OF STATE,
Washington, June 29, 1863.

SIR: You may not be able to discover the true condition of military affairs through the confusion produced by the cross-lights of the press. Our official information represents the sieges of Port Hudson and Vicksburg as going on successfully. Two of the three corps of the insurgent army, lately encamped on the Rappahannock, have forded the Upper Potomac, and are in Maryland and Pennsylvania. The position of the third corps is not certainly known. General Hooker has, at his own request, been relieved, and is replaced by General Meade, an officer who enjoys the confidence of the army and of the War Department. He is moving vigorously, and, judging from present appearances, a meeting of the two armies is likely to occur in Pennsylvania, or on the border of Maryland. You will have heard much of cavalry raids, and other subordinate movements of the two armies, but they have thus far been unfruitful of any important results.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c., *Turin.*

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Mr. Marsh to Mr. Seward.

[Extracts.]

No. 73.] LEGATION OF THE UNITED STATES,
Turin, July 6, 1863.

SIR: Immediately on the receipt of the President's autograph letter of the 9th of January, 1863, to the King of Italy, I communicated a copy of it to the minister of foreign affairs, and asked an audience for the purpose of delivering it to his Majesty. The King was then about going to Florence for an absence of several weeks, and subsequent visits to other cities prevented my reception until the 10th of May.

On that day the King received me in an entirely unceremonious manner, and the letter was presented. His Majesty spoke in the handsomest terms of his high appreciation of the President's integrity of character, and of his own continued interest in the civil war in America, which he deplored as a great evil, not only to us but to Europe, and expressed the hope that the most energetic efforts would be made to bring it to a speedy termination.

He referred also to the expectation of a general European war, which he deemed a probable event, and said he thought such a war would end in the establishment of the principle of the independence of nationalities throughout Europe, and the promotion of the cause of rational liberty.

There is, I think, a growing impatience in all parts of the continent for the termination of a war which Europe is fast coming to think we ought not to have entered upon, or ought, with our vast superiority in population and material resources, to have conducted with such vigor as to have already brought to a close; and an intervention on the part of France and England would now be looked upon, by even our warmest political friends, with much less dissatisfaction than such a step would have excited a few months since. We are accused of injuring not only the material interests of Europe, but the cause of free government, by failing to put forth the energy which the law of self-preservation ought to inspire, and of showing, by a practical test, that popular institutions have not the strength and promptness of action which are essential to the proper discharge of the functions of government at such a crisis as this. I have no doubt that the adoption of a severe policy toward the rebellion would strengthen us effectually abroad as well as at home.

* * * * * * * * *

Having accompanied Mr. Raum to the foreign office, just as I was closing this despatch I had an interview with the minister of foreign affairs, who informed me that he had received from the British government a proposal to the effect that the Italian government should publish a declaration on the subject of the treatment of federal and confederate ships-of-war in Italian ports—providing that a ship of the one party should not be allowed to sail within less than twenty-four hours after a vessel of the other should have left the harbor. This proposal was declined by the Italian government upon the ground that it did not wish to commit itself to any specific line of action on the subject, or to anticipate a contingency which might never arise.

I have the honor to be, sir, very respectfully, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

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Mr. Marsh to Mr. Seward.

[Extract.]

No. 75.] LEGATION OF THE UNITED STATES,
Turin, July 11, 1863.

SIR: I received last evening a note from Mr. Wheeler, consul at Genoa, informing me that Captain Page, late of the United States navy, and now in the confederate service, was at Florence, and reported, upon what seemed creditable evidence, to be waiting the arrival of the Southerner, a steamer lately built in England for the rebel government, of which he is to take the command.

I called this morning at the foreign office to draw the attention of this government to these facts; but as the minister of foreign affairs was engaged, I was unable to see him.

I have, however, had an interview with Mr. Cerruti, secretary general of that department, a gentleman of much ability and experience, and stated to him the facts of the case, as far as they were known to me, and the principles I thought applicable to it.

Mr. Cerruti, who is well disposed to our cause, requested me to reduce my observations to writing immediately, in order that he might bring the subject up for discussion before a meeting of the diplomatic commission about to assemble, and I accordingly drew up hastily a note, a copy of which is hereto annexed, and sent it to the foreign office.

* * * * * * * * *

I have the honor to be, sir, very respectfully, yours,
GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Marsh to Mr. Venosta.

LEGATION OF THE UNITED STATES,
Turin, July 11, 1863.

MR. MINISTER: It is doubtless known to the government of the kingdom of Italy that several vessels, built in England for the so-called Confederate States of America, or for private persons residing in those States, have sailed from British ports and committed extensive depredations on American commerce. These ships have cleared as merchant vessels, bound ostensibly upon lawful voyages, but have shipped armaments by other vessels to neutral ports, and there taken them on board. They have then, although never having visited a port claimed or occupied by the Confederate States, or entered any territory possessed by the forces of those States, hoisted the confederate flag, and plundered, destroyed by fire, or ransomed every American ship they have been able to overtake, instead of sending them, according to the rules of civilized warfare, into ports, for condemnation by a court of admiralty, or otherwise establishing the validity of the capture by legal adjudication.

These vessels, it is believed, are, in many instances, private property, belonging jointly to English and confederate subjects, and employed for the purpose of plunder for their benefit, and not for any object of civilized or lawful warfare.

The legation is informed that Captain Page, late of the navy of the United States, but at present in the service of the Confederate States, is now waiting at Florence to take command of a steamer built in England or Scotland for the

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purpose I have described, and expected soon to arrive in the Mediterranean. She has been called the Southerner, but will, perhaps, change her name, clear, it is supposed, as a merchant ship, for some neutral port, where she will take on board an armament, shipped by some other vessel, and then commence her piratical work upon the coasts of Italy, as her predecessors have already done in the Atlantic.

I protest, in the name of my government, against the admission of this vessel, or others of like character and objects, into Italian ports as lawful cruisers, and trust that they will not be treated by his Majesty's government as ships-of-war belonging to a power engaged in legitimate warfare.

The government of the United States does not admit that the rebellious States are entitled to the ordinary belligerent rights of independent nations; but waiving that question for the present, I contend that foreign-built vessels can be nationalized and vested with a military character only within the territorial jurisdiction of the state whose flag they bear. Vessels must retain their original nationality until it is changed by some act of the owners, or their lawful agents, and of the sovereign power to which they are transferred, performed at the point where that state has jurisdiction *de jure*, or at least possession *de facto;* and they cannot acquire a new nationality without first entering territory owned or held by the government which purchased them.

The Italian government would certainly not admit that a vessel built in England for the late king of the Two Sicilies, or purchased by him, and sailing from that country as a merchant vessel, could, by hoisting the flag of that prince, and taking on an armament at a neutral port, without ever having been within territory actually possessed by him, become authorized to cruise against Italian commerce as a lawful vessel-of-war.

The case is, in many respects, analogous to that of the naturalization of persons in foreign states. An Italian subject cannot divest himself of his natural allegiance, and become a subject of another power, without submitting himself in person to the local jurisdiction of that power, nor can a foreigner acquire the rights of Italian nationality without setting his foot on Italian soil.

I forbear, Mr. Minister, to enlarge on the obvious danger of encouraging or permitting such proceedings as those of the Confederate States, and in an era when even regularly commissioned privateering is looked upon with disfavor. I believe that the enlightened government of Italy will afford no protection to a piracy which would have disgraced the most barbarous ages.

I beg you, Mr. Minister, to accept the renewed assurance of my high consideration.

GEORGE P. MARSH.

His Excellency CHEVALIER VISCONTI VENOSTA,
Minister of Foreign Affairs, &c.

Mr. Seward to Mr. Marsh.

No. 77.] DEPARTMENT OF STATE,
Washington, July 25, 1863.

SIR: Your despatch of the 6th of July (No. 73) has been received. The President expects you to express to the minister for foreign affairs the sincere satisfaction of this government with the answer which was given by him to the proposition of the British government concerning visits of the insurgent vessels in Italian ports. Their recognition of the insurgents as a belligerent was an unnecessary proceeding on the part of her Majesty's government. It has been very injurious to the United States, while it has brought to the British nation

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itself only troublesome inconveniences, and requires constant efforts to prevent new and more dangerous complications.

I thank you sincerely for the report which you have furnished me of interesting judicial proceedings at Turin. Our country is now so entirely absorbed in the great internal struggle which faction has produced, that it pays little attention to events not bearing upon it which occur in Europe.

The desire abroad for the restoration of peace here is not unnatural. But there is reason to fear that it has been perverted so as to exact from the government a peace which it cannot grant, instead of requiring the insurgents to forego a criminal and disastrous resistance, which they cannot and ought not to maintain.

It may be hoped that events which have occurred here recently will correct European ideas in this respect.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c., *Turin*.

Mr. Seward to Mr. Marsh.

No. 79.] DEPARTMENT OF STATE,
Washington, July 29, 1863.

SIR: Your despatch of July 11 (No. 75) has been received. The information it contained has been communicated to the Secretary of the Navy, and I have the pleasure of approving the protest you have addressed to the minister of foreign affairs concerning the designs of the insurgents to abuse the Italian ports for the purpose of making war therefrom against the United States. The high sense of justice which the King of Italy has hitherto manifested, not to speak of the friendship which exists between the Italian nation and the American people, induces a confident expectation on the part of the President that his Majesty's government will not tolerate the execution of the unlawful designs you have brought to its notice.

The statement you have given me of a decline of confidence in the success of this government in suppressing the insurrection, which is exhibited in Europe, has been carefully considered, in connexion with similar information which was contained as well in a former despatch of your own as in the communications of others of our representatives on that continent. I freely confess that the fact is regarded with sincere and profound regret. It cannot be admitted, however, that this unfavorable opinion is sustained by the argument upon which, according to your statement, it is built; much less that it is sustainable independently of that reasoning. I think I have had occasion to say heretofore that insurrections are generally strong, vigorous, and energetic in their beginnings, while well-established governments may be expected to gain strength, vigor, and energy as the struggle for self-defence, to which they are summoned, advances.

Eight hundred days are not yet elapsed since this popular government, all unused to military action, and destitute of its machinery and appliances, was obliged to accept civil war on land and sea. An insurrection, occupying near half of the Union, seized upon the principal military force, the most important navy yards, forts, and arsenals, and employed their guns against the government itself. Every two days of the intervening period witnessed the bringing of a new and effective ship-of-war, with a hundred seamen and marines, into the naval service, as well as the gathering into camps of two thousand soldiers, practically, all of whom were volunteers. The achievements of our land and

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naval forces have been equally brilliant and effective. Our marches and sieges have, I think, seldom been excelled. Certainly the area of the government's authority has been so continually enlarged, that the rebellion has retired within a compass altogether too small to maintain an independent state. We have regained the most important of our seaports, while we hold all others in close siege; and we are now traversing, unchecked, all the great rivers and lakes of the country from their outlets to their sources.

Now, at the close of two years of war, what are the respective conditions of the belligerent parties? We are bringing out new and effective ships, and increasing our naval marine, more rapidly than before, and we are gathering into camps a force adequate to repair all the waste of the war. Our national credit is stronger than it was when the war began, and is equal to that which almost any other government holds, though in a state of profound peace. Can those who forbode our downfall show us where the forces and the material and the credit of the insurgents lie concealed? To us it seems as if they are nearing the point of exhaustion.

It is, under the circumstances, eminently to be desired that the confidence of foreign nations in the success of the government should not be lost. It is to be regretted that there may be nations whose forbearance from interfering with us would give way with their respect for our strength and power. If, however, we are destined now to encounter foreign complications, let us be thankful that they have been delayed so long. We shall be found, when they come, with an army, a navy, and a treasury not only adequate, as we think, to self-defence, but also befitting the continent and the cause we shall then be defending against nations whom we have never wronged, and who are quite as deeply interested in our friendship, as we, unhappily, are in their forbearance towards ourselves.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., *&c., &c., &c., Turin.*

Mr. Seward to Mr. Marsh.

No. 81.] DEPARTMENT OF STATE,
Washington, August 22, 1863.

SIR: Your despatch of the 20th ultimo (No. 76) has been received and has been read with much interest. The assurance of Mr. Cerruti of the continued sympathy of his government for our cause is very gratifying. Italy cannot know how soon the principle of nationality which we are maintaining may become important to herself. We are acting on a fixed policy worthy of consideration by all free governments, liable to be assailed by reactionary movements.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., *&c., &c., &c., Turin.*

Mr. Seward to Mr. Marsh.

[Circular.]

DEPARTMENT OF STATE,
Washington, September 28, 1863.

SIR: It seems desirable that you should have a correct view of the present military situation. We feel entirely safe in the occupation of New Orleans and the Mississippi. The forces are marching to occupy Texas.

We have a sufficient force in front of this capital, as we suppose, to assure us

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against aggressive movements of the insurgents in that quarter. We trust that Rosecrans will be safe in Chattanooga until the large re-enforcements which are going to him from three points shall reach him there. Once at Chattanooga, we think we shall have the principal forces of the insurgents confined and practically harmless within the circle of Georgia and Alabama. Charleston is not neglected.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., *&c., &c., &c., Turin.*

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BELGIUM.

Mr. Sanford to Mr. Seward.

No. 72.] LEGATION OF THE UNITED STATES,
Brussels, October 8, 1862.

SIR: The diplomatic corps, which had expressed the desire to offer its congratulations to the King on his recovery, was received by his Majesty to-day, at the palace.

In the short conversation which the King had with me on this occasion he referred to the war in terms of regret, as dividing so fine a race of men, and desolating so fine a country, as he expressed himself, and added the hope that some means would be found to bring about an early termination of a contest whose effects were wide-spread and were sensibly felt here. I replied that it was thought, with the additional forces now being brought to bear upon the southern States, that the insurgents would be restored to their allegiance to the government, (the only possible means to secure peace;) that the disastrous consequences of the war, to which he had referred, and in which we shared heavily, were a source of regret. We appreciated the distress caused by a conflict which had been forced upon the government in defence of its authority, and saw but one way of relieving it—the success of our arms.

I availed myself of the occasion to congratulate his Majesty on his restoration to health, and to add the assurance that these congratulations would be most heartily shared by the government and the people of the United States, as I had occasion, on a recent visit to my country, to have personal cognizance of the warm and wide-spread interest and concern which his illness had excited. He thanked me, and said that he had indeed reason to be convinced of that regard in the numerous and high evidences of consideration he had received from the United States during a long reign, which had been marked with the most pleasant relations. He had known personally, he added, some of our most prominent citizens, and felt real interest in the progress and prosperity of the country.

Mr. Goodrich, the secretary of this legation, accompanied me to this reception, and was presented by me to his Majesty.

I have had the honor to receive your despatch No. 64, and your circular despatch of the 22d ultimo, communicating a copy of the proclamation of the President of that date. I read the circular to M. Rogier yesterday. He said the proclamation was an act of great gravity, and inquired what the probable result would be upon the war. I replied that I could not anticipate events. It was to be hoped that, with the further increase of our forces on land and sea, the insurgents would soon perceive the uselessness of further resistance, and come back to their allegiance while it was still time to avert the additional calamities impending over them. He expressed his fears that it would tend to prolong and add exasperation to the war, the results of which were weighing so heavily upon this country. I rejoined that the peace and traffic he so much desired could only be obtained by the submission of the insurgents; that the "arrangement" so much desired in Europe, and which meant disunion, was simply impossible.

I would remark, in connexion with this great cause of sol.citude in a country

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so dependent as is Belgium for its prosperity upon foreign markets, that trade has revived very considerably with the United States within the past few months; and it is a source of remark and astonishment, as indicative of wealth and prosperity, instead of exhaustion, that, notwithstanding the heavy increase of duties on imports and the high rates of exchange, the northern States are, in these times of war, so largely increasing over the previous year their importations of European manufactures.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Sanford.

No. 75.] DEPARTMENT OF STATE,
Washington, December 8, 1862.

SIR: I have received your despatch of November 19, No. 77, and I thank you for your interesting resumé of European opinion concerning the proposition which was lately made by the Emperor of France to the Queen of Great Britain, and to the Emperor of Russia, in relation to American affairs.

It is not the purpose of this government to enter into debates with foreign powers upon either the effect or the merits, or the manner of that communication, and I therefore content myself with thanking you for the interesting information which you have given me.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

H. S. SANFORD, Esq., *&c., &c., &c., Brussels.*

Mr. Seward to Mr. Sanford.

No. 76.] DEPARTMENT OF STATE,
Washington, December 8, 1862.

SIR: Your private letters of the 15th and 18th of November have been received and read with much appreciation. It is my principle to refrain altogether from official comments upon the correspondence which has been recently carried on concerning the United States, by the governments of France, Great Britain, and Russia. This will not, however, prevent you from continuing to give me such information, concerning the European views of these subjects, as you may think important.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

H. S. SANFORD, Esq., *&c., &c., &c., Brussels.*

Mr. Sanford to Mr. Seward.

[Extract.]

No. 88.] LEGATION OF THE UNITED STATES,
Brussels, December 25, 1862.

SIR: I have had the honor to receive your despatches to No. 77 inclusive.

The impression caused by the President's message here, and, so far as my observation extends, elsewhere, is excellent. Notwithstanding the enmity and

even the malignity which prevails in many quarters against the cause of the Union, I have not seen an attempt at a reply to it. It has done much to disarm our opponents and strengthen the hands of our friends abroad. The reports of the Secretaries, as showing the immense power and resources of our country, especially in the creation of a large and effective navy, have made a deep impression, and I am struck with the tone of apprehension, now, of those hitherto disposed to sneer at the "fall of the great republic," lest we become a war power of the first order, likely to impose our principles and policy upon European powers.

I think intervention is falling into disrepute with these evidences of power and the success of our arms. Still, the general sentiment, I regret to say, is, that the restoration of the Union is impossible; and there are among our friends those who counsel the acceptance of separation rather than continue a struggle which they fear may lead to exhaustion, and perhaps further secession.

My great anxiety for the moment is for the capture of Charleston and Mobile, which I cannot but believe will have more influence upon the result of the war than the taking of Richmond. A very large number of steamers have, within the past two months or so, left Europe loaded with indispensable supplies for the south, the intention, I believe, being to make a combined effort to run the blockade. The failure of these expeditions would be equal to a great victory in the field; and, with the taking of Charleston and Mobile, they must fail. In this connexion I beg leave to suggest, based upon some facts which have lately come to my knowledge, that the pilots of vessels captured when seeking to run the blockade, and who are generally from Charleston or neighboring ports, be held in close custody instead of released with the other sailors. The success of these blockade breakers depends greatly upon the pilots, who, so soon as released, make their way back to Nassau or Bermuda to make new and lucrative engagements with other vessels.

Our commerce here suffers greatly from the ravages of the Alabama. Several of our ships at Antwerp have been sold to go under other flags, and under the influence of war risks on American vessels, they cannot compete with other flags in foreign trade. I hear, through a source entitled to credit, that two other vessels have lately left British ports with the view of carrying on the same piratical enterprises, which are not alone ruinous to our commerce, but are giving an immense stimulus to English shipping, which profits greatly by the disadvantages thus caused to our vessels. To this may be ascribed in part the active sympathy with these criminal enterprises shown by very many among the commercial classes of England.

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I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Sanford.

No. 84.] DEPARTMENT OF STATE,
Washington, January 15, 1863.

SIR: Your despatch of December 25 (No. 88) has been received. It is pleasant to find that a sentiment, if not of re-assurance, at least of forbearance, in regard to our political affairs, is gaining ground in Europe. It indicates a weariness of events which defy the observer's control, and perhaps also a disposition to look at political complications near home of no inconsiderable significance.

A great struggle is a great storm. Not only those upon whom it beats, but

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even those who look out upon it from sheltered places, are impatient to have it end. Whereas, it cannot end until there is an exhaustion of the elements to a certain extent, and it is wise to endure with patience delays which we cannot mend.

Four weeks ago we encountered a repulse at Fredericksburg. It has been followed by no serious consequences. The army on the Rappahannock still detains its antagonist there, and leaves us opportunity for operations in other quarters. Two weeks ago General Rosecrans obtained a victory at Murfreesboro', which practically secures Tennessee to the Union. But, on the other hand, General Sherman has been repulsed in his first assault upon Vicksburg, and we have suffered an inopportune surprise and dislodgement at Galveston.

These, however, are not decisive events. We are only at the beginning of a new campaign. Forces are again concentrating at Vicksburg, adequate, as we trust, to the capture of that place, and a land and naval demonstration against Charleston is imminent.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

H. S. SANFORD, Esq., &c., &c., &c., *Brussels.*

Mr. Sanford to Mr. Seward.

No. 100.] LEGATION OF THE UNITED STATES,
Brussels, March 29, 1863.

SIR: I have the honor to acknowledge the receipt of your circular despatch, under date of March 9, transmitting a copy of the concurrent resolution of Congress concerning foreign intervention in the existing rebellion.

I communicated them to-day to M. Rogier, in conformity with your instructions, by leaving a copy with him, assuring him, at the same time, that they were "entirely in harmony with the principles and policy by which all the President's proceedings, in regard to the question involved, have been and will continue to be regulated."

The effect of these resolutions, in connexion with your recent despatch on the same subject, has been, so far as my observations extend, most salutary. We shall, probably, hear no more of friendly intervention in our domestic affairs.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Sanford.

[Extract.]

No. 104.] DEPARTMENT OF STATE,
Washington, June 30, 1863.

SIR: * * * * * * * * *

I take this occasion, also, to acknowledge the receipt of your despatch No. 124, of the 12th instant, and to approve your proceedings with reference to the proposed conference on the subject of the capitalization of the Scheldt dues, to be held on the 1st proximo.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c., *Brussels.*

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Mr. Seward to Mr. Sanford.

[Confidential.]

No. 105.] DEPARTMENT OF STATE,
Washington, July 9, 1863.

SIR: I have not been forgetful of the suggestions, concerning our affairs, which were made to you by our excellent friend the King of Belgium, in the conversation with which he favored you on the 23d of May last. But at the time they were received here, military matters were in such a condition as to make it almost certain that any comment I might make upon the views of the King would be rendered worthless by decisive events to occur before the comment could be submitted to his Majesty. For this reason I delayed.

The steamers of the 4th and 8th have carried to Europe intelligence of the defeat of General Lee in three pitched battles, equalling in the magnitude of forces, and surpassing in severity, the conflicts of Waterloo and Solferino. The defeated army, however, was not destroyed nor captured. A decisive battle is now gathering at Antietam, and information of its result will probably go out with this despatch.

The fall of Vicksburg, on the 4th of July, undoubtedly to be followed soon by the fall of Port Hudson, must completely revolutionize the contest on the Mississippi. Our land and naval forces, relieved from the labor of protracted sieges, become a movable power, adequate to the practical restoration of commerce, or, in other words, the Union, through the centre of our territory, from our northern boundary to the Gulf of Mexico.

Indications already appear, that the work of internal dissolution is begun in the insurgent confederacy. Practically, it has lost all the States west of the Mississippi, and is confined to the Atlantic States, south of Cape Henry, and the Gulf States. Its capacity to raise new levies and new armies, if not exhausted, is greatly diminished.

The nation having arrived at the point when restoration is beginning to seem not only possible, but necessary, the obstacles presented by slavery seem the only ones to overcome. These have already become less formidable than ever before. If the King will look at the map I herewith send you, and will notice the local habitations of slavery in the United States, in relation to the actual position of our land and naval forces, he will at once perceive that it is now not in the power of slavery to dictate, but it is its interest to propose terms to the Union. This is entirely different from what has heretofore been understood in Europe to be the relative positions of these two great political forces. Persevering resistance by slavery is abolition; surrender by slavery is probably equivalent to gradual and orderly emancipation.

I am authorized by the President to submit these views for the consideration of the King of Belgium. In performing this duty, I cannot omit to say that his Majesty has, by his disinterested and generous course towards the United States, well entitled himself to advise the government in the present emergency, and that his suggestions have been received and considered in a spirit of respectful and grateful affection.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., *&c., &c., &c., Brussels.*

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Mr. Seward to Mr. Sanford.

[Extract.]

No. 106.] DEPARTMENT OF STATE,
Washington, July 13, 1863.

SIR: * * * * * * * *

Since I last wrote you, it would seem that the patience of Europe, in regard to our civil war, has been again abused by practices designed to procure a recognition of the insurgents by some of the chief maritime powers. Even at this moment, we do not know how far the apprehensions expressed on that subject by our representatives in London and Paris have been confirmed by hostile developments. The next steamer must bring us decisive intelligence, showing that we have occasion to practice with firmness the great national virtue of rejecting foreign interference, or else that the many alarms of that sort which have been so industriously sounded are entirely without foundation. In any event, it is a subject of congratulation that the great campaign in which we have been engaged has at last been crowned with successes which, while they will undoubtedly reassure the American people of a satisfactory issue of the fearful contest, will also produce no slight reaction of opinion on that subject in foreign countries.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., *&c., &c., &c., Brussels.*

Mr. Sanford to Mr. Seward.

No. 130.] LEGATION OF THE UNITED STATES,
Brussels, July 14, 1863.

SIR: I had, on the 10th instant, an audience of the King at the palace of Lacken, to deliver the letter of the President to his Majesty.

On presenting the letter I said to his Majesty that the President, desiring to manifest his appreciation of this new proof of friendly feelings towards the government and people of the United States, had acknowledged the reception of the award which his Majesty had given in the Macedonian case, by a letter which I had the honor to deliver to his Majesty.

The King responded in the usual friendly and cordial spirit towards the United States, which has always marked my interviews, and expressed his pleasure in contributing to continue and strengthen those friendly relations which had ever existed between the two countries. He then referred to the war, and, speaking with earnestness of his desire to see peace established, expressed the hope that an arrangement would be made which should put an end to this destruction of life and resources, and enable the country to resume its career of prosperity. Even if peace were acquired only at the cost of a separation, the northern States must ever continue the dominant power, he continued; and was it not better to stop the war now, even on that condition, rather than continue the struggle till complete exhaustion? He spoke, he said, in our own interests, and in a spirit of friendliness for the United States. I replied, after the many proofs we had received of his Majesty's friendly feelings towards us, we could have no doubt of the disinterestedness of his Majesty in giving this expression to his views. We were convinced, however, that the only way to secure permanent peace was to suppress the rebellion, by force if necessary, and we still thought we had the strength to do it.

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A lengthened conversation touching the United States and the war followed, in the course of which, referring to the many marks of respect which had been shown to him by the people and the government of the United States, and his intercourse with many of our eminent citizens, he spoke in terms of gratification of the visit of Mr. Seward here, over three years ago, and the enlightened interest then manifested by him in the freedom of the Scheldt, now so happily accomplished.

I have the honor to be, with great respect, your obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Sanford.

No. 112.] DEPARTMENT OF STATE,
Washington, September 3, 1863.

SIR: Your despatches of August 6 (No. 139) and August 11 (No. 140) have been received.

Your proceedings in regard to William Cornell Jewett are approved. If Mr. Rogier has reason to regret the want of consideration towards the United States which he manifested in giving audience to an adventurer, and introducing him to his Majesty the King, we have equal reason to regret that a citizen of the United States has not made a better return for the hospitalities thus undeservedly conferred upon him. Both parties, however, may derive some comfort from the fact, that, in revolutionary times like these, volunteer diplomatists are furnished by other countries than our own, and are entertained at other courts, as well as that of Belgium, with results certainly as embarrassing as any that have thus far attended the self-appointed mission of American mediators. For my own part, I have from the first, with the authority of the President, thought it wise to shut out from all audience unaccredited agents of friendly nations, and hold no intercourse with subjects of foreign powers without frankly making it known to the proper governments.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., *&c., &c., &c., Brussels.*

Mr. Sanford to Mr. Seward.

No. 145.] OSTEND, *September* 4, 1863.

SIR: I have to acknowledge the receipt of your circular despatch, under date of the 12th ultimo, with the accompanying map. I deemed it important, in connexion with conversation with the King previously reported to you, to bring the facts and conclusions therein set forth without delay before his Majesty, and, accordingly, asked for an audience, which was granted me to-day.

After the usual interchange of courtesy, in reply to the inquiries of his Majesty touching the progress of the war, and to the expression of the hope that it was approaching its end, I said that I had come, remembering the enlightened interest in our affairs he had shown in previous interviews, and in connexion with a recent conversation reported to you, to bring for his perusal a recent despatch, in which you had set forth with great clearness and cogency the progress we had made towards the restoration of the authority of the government in the rebellious States, and the expediency, in view of the early restora-

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tion of its former commercial intercourse, for Europe to leave us to settle our domestic affairs without interference therein. The suppression of the rebellion, I continued, was simply a question of time—how much time, depended greatly upon the action of European powers. If this course of giving aid by recognition of belligerent rights; of aiding to injure our commerce by countenancing the building of vessels-of-war to be used by the insurgents to destroy our merchant ships; of giving aid and protection to these vessels, and even the means for continuing this nefarious business; of holding out hopes of recognition, &c.; if these were continued, of course, the war would be prolonged, and a restoration of commerce be delayed, in a corresponding degree. If the recognition of belligerent rights to the insurgents were withdrawn, my opinion was, that the bubble of the confederacy would collapse immediately. We considered it would, in any event, be soon pricked by the action of our arms, and the re-action of the people, who were beginning to perceive that they had been led astray, and wickedly used, to further the ambitious designs of a few selfish and miserable politicians. I said, further, that in this connexion with the subject of supplying ships-of-war to those in rebellion to the Union, I felt constrained to say, as a personal opinion, that if it was continued in England, if the iron-clad vessels now in process of construction there were permitted to leave, it seemed to me a continuation of peaceful relations with that country would be impossible; that there was a rising wave of indignation and hostility surging up against Great Britain among our people, in consequence of similar acts, that would, with every desire on the part of the government to keep the peace, be likely, in the contingency suggested, to culminate in an overwhelming outburst of feeling that would, in my view, make war inevitable. I added that I hoped every lover of peace would aid to avert such a calamity, by counsel in favor of a course of conduct due towards a friendly power, as well as in the interests of Great Britain, who was raising precedents which, in the future, would be likely to be turned with mischievous results against her.

It was difficult, his Majesty replied, for neutrals to satisfy either party, and he expressed, in general terms, the hope that there would be no cause for difficulty. His Majesty expressed surprise at the marked progress of our arms, as shown upon the map. He said he hoped an early peace would be arrived at; that he had received too many evidences of regard from the United States not to feel a deep interest in the prosperity, well-being and peace of our country; and it seemed to him that some way might he found for an arrangement, and the avoidance of further bloodshed. When two gentlemen, he continued, had fought gallantly, and with mutual losses, it was generally found that a means of settlement could be arrived at without continuing the combat till one succumbed; and so, in this case, would not the feeling hereafter be likely to be less bitter, and would there not be more future harmony, were this occasion of exhaustion and discontent in the south, to which I had adverted, availed of to come to an arrangement by mutual compromises?

There was no disposition, I replied, to destroy the southern people, or to crush or humiliate them unnecessarily. When they expressed a desire to return to their allegiance, it would be found, I thought, that the return would be made as little onerous or humiliating as was compatible with the future security of the State. A recent letter, written under high authority, as I believed, and published in North Carolina, as well as various other indications, showed that the people were taking this question of a return to the Union into their own hands, and it was through the people, not their leaders, that I looked for a settlement, and the restoration of peace over a united country.

During a lengthened conversation, his Majesty was reserved in the expression of opinion touching the repeal of the recognition of belligerent rights to the insurgents, and the building of ships-of-war for them. He expressed himself warmly, as touched by the cordial friendly spirit of your late communications

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for him; and in reply to my remark, that the feelings we entertained for him were almost those of affection, he said he appreciated this regard evinced for him; he felt that it was because we must know that he sought to *do good*.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 150.] LEGATION OF THE UNITED STATES,
Brussels, September 22, 1863.

SIR: In a late conversation with Major General Bormann, he expressed opinions with respect to the use of incendiary shells for the reduction of Charleston, which I asked him to give me in the form of a letter.

I have the honor to enclose it herewith, believing that the views of such eminent authority may be interesting, and perhaps useful, in response to partisan efforts to excite odium abroad, on the ground of the "barbarity" of the government in its conduct of the war.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Sanford.

No. 116.] DEPARTMENT OF STATE,
Washington, September 28, 1863.

SIR: I have submitted to the President your despatch of the 4th of September, No. 145. The representations you have made to his Majesty, as therein expressed, seem to have been discreet and proper; and the liberal and friendly sentiments he expressed in reply are cordially appreciated.

If we do not mistake, the civil war is now becoming so ruinous to those who began it recklessly, and without just cause, as to induce anxious consideration about the probable result. This is not submission, nor is it reconciliation, but it is the first stage on the road to peace. As we advance to meet the problem of reconciliation, many of its difficulties, which, at a distance, seem so serious as to create divisions among the friends of the Union, may be expected to disappear. Prudence, therefore, requires that we should not prematurely engage in the discussion of them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, &c., &c., &c.

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TURKEY.

Mr. Morris to Mr. Seward.

[Extracts.]

No. 35.] LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, November 11, 1862.

SIR: I have the honor to acknowledge the receipt of despatch No. 38. I am gratified to learn from that despatch that my conduct in the recent missionary murder cases has been approved by the President, and that the complaints made on that subject by Dr. Anderson have been recognized as unjust.

There is no American mission which is surrounded with greater embarrassments than the one of which I have charge. The government of the interior of the empire being intrusted to the governors of the provinces, the maintenance of law and order depends almost exclusively on them. As, unfortunately, these officers are selected less for their peculiar fitness for such appointments than for their qualities as courtiers, or as a reward for successful intrigue, good government in the provinces is a mere chance. At a distance from the seat of sovereign authority, and enjoying absolute control within their pachalics, the governors exercise a most despotic sway. Often they stimulate to outrages, if they can profit by them, and accept bribes for the protection of crime. They sometimes exact from the people the double amount of the taxes levied on their provinces, appropriating to themselves the extra half.

When the government of a province is corrupt and lax, crime runs riot, the highways become infested with robbers, and there is but little security for life and property. Foreigners resident in or travelling through these districts become exposed to all kinds of molestation and violence. When a foreign legation reports these acts to the Porte, it often finds that some court influence is brought to bear to protect the governor, to shield him from the incriminations directed against him, or that all kinds of pretexts are sought to stifle investigation into his acts. The governor, if he is called upon by the Porte for an explanation of his conduct, sends back a bold denial of the charges, or some cunning justification, which is forwarded to the legation as a satisfactory answer. At this stage of proceedings it is difficult to know what other course to take than to demand absolutely and peremptorily the removal of the governor from office. This I have been obliged to do in two cases, and have succeeded, with great difficulty. As I cannot influence the appointment of a governor, I can only hold him to the strict discharge of his duty, so far as American citizens are concerned. This is done through the medium of vizerial letters, which in all necessary cases I make a formal request for and obtain. The next step—and this is the most difficult of all—is to see that these orders are promptly and fully obeyed. Unless I have a consular or special agent resident at the provincial capital, it is difficult to enforce the governor to the performance of his duty.

It will be seen from this statement, that it is a very different thing to have to deal with such a hydra-headed government, and with one which is moved from a common centre, where lies all the power and directing force and executive authority. To this add the prejudices of race and religion, more obstinate and violent in this empire than in any other part of the world, and the fear which always exists with the Porte of exciting civil war between neighboring districts

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of opposite faiths, and some idea may be had of the vexatious embarrassments which surround a foreign minister who has to deal with the government of such a country.

It is next to impossible for any one to properly discharge his duties as American minister here who is not conversant with Italian and French, as English is not spoken by any of the cabinet ministers, and is almost unknown in society outside of commercial circles. I have found it necessary to study and acquire Turkish. In no country are so many different languages spoken, and nowhere are linguistic attainments so indispensable to the proper understanding and prosecution of diplomatic business.

The cultivation of cotton is increasing rapidly in this empire. The crop of cotton in Asia Minor in 1861 amounted to fifteen thousand bales, and it is estimated that the crop of 1862 in that part of the empire will reach, if not exceed, sixty thousand bales. Great efforts are also making to extend its cultivation in the region around Adrianople.

* * * * * * * *

The Porte has recently found it necessary to establish a censorship on books, periodicals, and newspapers in all parts of the kingdom. This apparently harsh measure has, in its opinion, been rendered necessary by the active anti-Ottoman and anti-Mussulman propaganda being made in the empire among the Greek population, under the auspices of Russia, and Greeks resident in other countries.

* * * * * * * *

With great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Morris to Mr. Seward.

No. 36.] LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, November 27, 1862.

SIR: I have the honor to enclose two communications from the Porte. That relative to the establishment of a censorship on books, pamphlets, &c., has been dictated by the active politico-religious propaganda which has recently been introduced into the empire under foreign auspices, having for its object the overthrow of both the national religion and the government.

In the month of April last the ambassadors of France and Russia addressed a note to the Porte, asking for the fulfilment of that clause of the Hatti Hurnayoum of 1856 which promised the concession of the right of holding real estate to foreigners. Under the present system no foreigner can hold such property in his own name, and is obliged to procure an Ottoman subject to act in his behalf. The title deeds are drawn up exclusively in the name of the Turkish subject, and the foreigner's name does not appear at all. He must defend his rights through the name of the nominal proprietor, the Porte and its tribunals invariably refusing to recognize a foreigner in any question concerning the proprietorship of landed property. The instances are not rare in which the nominal owner has assumed to be the real owner, and much vexatious litigation has been the consequence.

The interference of this and other legations in behalf of the interests of their respective clients covered by this nominal ownership, is always done in an unofficial manner, any official claim of interference being uniformly resisted, as impugning the prerogatives of the Porte. Property held by such an uncertain tenure cannot be regarded as very secure. Efforts have consequently been made at various periods to procure for foreigners the absolute right of property, but

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thus far without success. Should it ever be granted, it will induce a great emigration into the empire; but it will result disastrously to the Ottoman ascendancy, as the Christians would not only soon outnumber the Mussulman population, but would gather into their hands the larger part of the rich agricultural districts.

The Porte has recently replied to the note of the ambassadors on this subject, announcing its willingness to grant this right of property on condition of the surrender of all the privileges accorded to foreign residents by the capitulations, and of their being placed on exactly the same footing as Ottoman subjects as property holders. Unless this discussion shall result in some compromise, of which there is no immediate prospect, this most desirable concession is not likely soon to be made. I have not felt myself at liberty to take any other action on this question, as it is one which can only be really determined between the Porte and the five Great Powers, except that of at various times verbally expressing to the Grand Vizier and Ali Pacha the gratification which such a concession would give to my own government, showing at the same time what immense benefits we have derived from the encouragement of emigration, stimulated by the easy acquisition of property in the United States.

In conformity with the provisions of the new treaties of commerce between Turkey and the United States and other powers, the ancient duty of *derbent*, or tax on all goods passing through certain mountain defiles of the empire, has been abolished, both on those imported and those destined for exportation. This tax increased the price of certain articles of commerce to an injurious degree.

Prince Nicholas of Montenegro having protested against the erection of blockhouses on the military road being opened through that country by the Porte, and threatening armed resistance if persisted in, the Porte has refused to listen to his protest, and announces its determination to suppress any such resistance with the utmost rigor.

The sentence of the court at Adrianople condemning to death the three assassins of Rev. Mr. Merriam not having been acted on as promptly as I thought it ought to have been, I addressed a note to Ali Pacha on the subject, and followed it up with a personal interview. The result has been that the sentence was last week confirmed by the supreme council, and is now submitted to the Sultan for his sanction. His Majesty will undoubtedly approve it. Such has been the wholesome terror inspired by the recent execution at Adana, that when a party of travellers was since attacked by brigands in that vicinity, on learning there were Franks in the party, the robbers immediately desisted from their intended acts of violence. The rapidity and certainty of the administration of justice in these cases has given rise to the remark that American life in this empire is defended with more vigor than usually characterizes the action of foreign representatives in such cases. The respect entertained for the government of the United States, and its present liberal and energetic administration by the Porte, leads it to do for us what it would but indifferently perform for others. Notwithstanding our domestic troubles, it is pleasing to see this respect and good will not only unabated, but rather increased.

I have the honor to be, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Translation.]

SUBLIME PORTE, DEPARTMENT OF FOREIGN AFFAIRS,
No. 6347–80; *November* 12, 1862.

SIR: By its note of the 8th Chaban 1275, the Sublime Porte established the formalities which the imperial marine and the land authorities would fulfil on the occasion of the anniversary of friendly and allied sovereigns. Certain points

of their formalities being in contradiction with the maritime regulations of the empire, I now beg leave to notify them, so as to avoid any misunderstanding or contravention in regard to them hereafter.

Armed vessels carrying less than ten guns are dispensed from firing salutes the day of the fête of a foreign sovereign, and are not bound to be decked with flags, except in case where a vessel-of-war of this sovereign is in the same port.

Having brought this notification to the knowledge of the authorities of the Sublime Porte in the maritime provinces of the empire, I beg you, sir, to be so good as to communicate the same to the consulates of your government, whom it may interest.

Accept, sir, I beg you also, the assurances of my proper consideration.

ALI.

Mr. MORRIS,
Minister Resident of the United States of America.

[Translation.]

SUBLIME PORTE, DEPARTMENT OF FOREIGN AFFAIRS,
No. 6346–79; *November* 12, 1862.

SIR: The introduction into Turkey of books, pamphlets, and periodical or quotidian publications, having acquired a very important increase, it was natural that the imperial government should adopt the means of subjecting it to a system of examination, for the purpose of arresting the distribution of subversive writings. Consequently, orders have been given to all the authorities of the cities on the seaboard, and the frontiers of the empire, to institute an examination, by special agents, of all the books and other publications of a periodical or quotidian character, which shall have been deposited on their entrance to the custom-house bureau. After this examination they will allow the writings to circulate which do not appear injurious to public order, whilst those which are deemed of a nature to falsify opinion, and sow seeds of discord, will be retained.

I consider it useless, sir, to enter into particularities for the purpose of showing what is legitimate and urgent in this measure, the greater number of other states having considered it necessary to practice it in their territory. I must therefore limit myself to the request that you be so good as to give instructions on the subject to the consulates under your authority in the ports and frontier towns of the empire, so that they may, in turn, make it known to their citizens.

Accept, sir, the assurance of my perfect consideration.

ALI.

Mr. MORRIS,
Minister Resident of the United States of America.

Mr. Morris to Mr. Seward.

No. 37.] LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, December 4, 1862.

SIR: I have the honor to enclose a printed translation of the answer of the minister of foreign affairs to the note of the ambassadors of the Great Powers, on the subject of the rights of foreigners to own real property in Turkey. This note confirms the observation which I had the honor to submit on this question in despatch No. 36.

I also enclose a correspondence with the consul at Beirut, on a case which is connected with this question. The "helpers" of the missionaries are native

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preachers, converted by them to Protestantism, and, for the most part, originally Americans. The Porte is daily growing more jealous of the interference of foreign legations in the affairs of Ottoman subjects, and it requires great prudence not to offend its sensibilities on this subject. By the existing treaties the United States agents in Turkey are expressly restrained from protecting Ottoman subjects not in the employment of the legation or consulates.

The native Protestants are recognized as a distinct religious fraternity in the empire, and as such choose, by authority of the Porte, an Agha, or chief, who is the organ through whom they communicate with the Turkish government. The Porte acts with the same deference and regard to the representatives of this, the smallest religious fraternity in the empire, as towards the millions of Greeks represented by their patriarch at Constantinople.

For some time the Turkish government has had under consideration the question of the creation of a government bank. The utility of such an institution in aiding the financial operations of the government, in regulating the exchanges, and in furnishing a paper currency of equal value in all parts of the empire, has become so apparent of late that the Porte has resolved to create a national bank. The plan is matured, but not yet published.

I have the honor to be, with great respect, your obedient servant,

E. JOY MORRIS.

Hon WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—As an example of the insecurity of life and property on the roads of the interior of the empire, and to show that others, as well as Americans, suffer from this cause, I beg to mention the fact of the robbery of Baghir Bey, an agent of the Persian minister, on his way from this place to Teheran, with jewelry to the value of 1,500,000 piastres, purchased for the Schah of Persia by the minister on a recent visit to Paris. The Bey was assailed by robbers near the frontier beyond Erzeroum, robbed of his despatches and jewels, and killed. The robbers have escaped.

Mr. Morris to Mr. Johnson.

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, November 26, 1862.

SIR: I have had the honor to receive your letter of the 14th instant, reporting the conduct of his excellency Achir Pacha, governor of Marash, in relation to a house possessed by Messrs. Goodale & White, in the name of an Ottoman subject, for the use of their helper, who, I suppose, is also a subject of the Sultan, and have brought the case before the minister of foreign affairs for his consideration.

The present incident, which I greatly regret, furnishes me with an occasion to inform you that the Ottoman government firmly refuses to all foreigners the rights of possessing real estate in their own names, and is as strongly indisposed to allow any privileges or distinctions in favor of property which they may acquire in a fictitious manner. The interference of the legation in such cases must therefore be entirely officious, and great discretion is required, so as not to excite the sensibilities of the Porte.

I must also add, that the Ottoman government does not admit that the employment of its subjects by private foreigners in Turkey gives to the former any foreign protection, or in any manner releases them from their proper subjection. It is only when temporarily in the employ of the foreign legations and consulates that they enjoy their protection.

The house in question is officially owned and occupied by an Ottoman subject, and is therefore wholly within the jurisdiction of the local authorities. I hope that the friendly intercession of the legation will, however, induce the Porte to address such an order to his excellency Achir Pacha as will cause him to release, under the circumstances, the American gentlemen from the inconvenience complained of.

I have the honor, &c.,

E. JOY MORRIS.

J. AUG. JOHNSON,
United States Consul, Beirut.

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Mr. Johnson to Mr. Morris.

UNITED STATES CONSULATE,
Beirut, Syria, November 14, 1862.

SIR: I have the honor to inform you that I have this morning received a communication from the American missionaries in Marash, relative to an outrage committed upon them personally, and in the person of their employé, by the new governor of Marash, Achir Pacha, of which the following is an extract:

"Three years ago, at a cost of one hundred pounds, we purchased a house for the use of our helper, the acting pastor of a large Protestant church here. Yesterday morning, without any previous warning, the helper and his wife were ejected forcibly from the house, that it might be made a hospital for the soldiers. Dr. Goodale immediately waited on Achir Pacha, but, without suffering a word of explanation, with anger and rage he ordered him from his presence. This morning Mr. White called, represented that the house was our own, bought with our own money, and for a specific purpose, and that there was an abundance of as good houses in the vicinity. Achir Pacha replied that the deed of the house was in the name of a native. For this reason he had a right to take it, and for this same reason he could take the houses in which we live, and would do so if necessary; and he threatened to make us smart in future for not having considered it a high privilege to receive the King's soldiers.

"The Pacha's whole deportment is tyrannical and insulting in the extreme, and, according to his own words, we may any day be ejected from our homes. Has the Pacha a right to seize the house of a foreigner when there is an abundance of eligible houses in the vicinity? Has he the right to drive from his presence a peaceful American resident, without even hearing his petition?"

The letter, of which the above is an extract, is dated Marash, October 11, 1862, and concludes with the prayer that an order may be obtained commanding that their house be restored to them, and that the Pacha be made to apologize to Messrs. White and Goodale, the signers of the letter, for his unwarrantable and insulting conduct toward them.

I have the honor to be, sir, your obedient servant,

J. AUG. JOHNSON.

E. JOY MORRIS, Esq.,
United States Minister Resident, Constantinople.

Foreigners and the rights of property in Turkey.

A French journal publishes the following as the reply of Ali Pacha to the recent note of the foreign representatives on the subject of the rights of foreigners to own real property in the empire:

SUBLIME PORTE, *October* 3, 1862.

The undersigned, minister for foreign affairs to his Majesty the Sultan, has had the honor to receive and to submit to his august master the collective note which their excellencies the representatives of the Great Powers have addressed him in reference to the question of foreign subjects holding real property in the Ottoman empire. The undersigned, by order of his Imperial Majesty the Sultan, hereby declares to their excellencies, that the imperial government does not hesitate to recognize its proclamation some time ago on the subject; and will also add, that even issued without the existence of such a circumstance, he would consider himself happy to be able to solve a question which appears to be destined to produce great benefit for Turkey, as well as to increase its relations with Europe. But the representatives are not ignorant of the motives which have, up to the present, delayed this result. They are also aware that the Sublime Porte has always affirmed that it will only grant to foreign subjects the right of possessing real property, under certain conditions.

The government of the Sultan desires to act towards other nations according to the principles of the most civilized people. In return, it considers it its right, and as due to its dignity and preservation, to invoke the same principles on its own behalf. It is well known in what a situation Turkey was when its relations with Europe commenced. A few foreign merchants, completely separated from the rest of the population, resided in the seaports of the Levant. They had hardly anything to do with the natives, and were entirely devoted to wholesale trade. The Ottoman government granted them privileges which the state of society in which they lived, and the customs and habits of that time, had rendered necessary; but what existed then has given place to a state of things completely different. Europe has changed, and Turkey is no more what she was. The relations be-

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tween her and Europe are no longer the same. Everything, then, is changed, except those antiquated capitulations which are often put forward in order to justify pretensions incompatible with the present system, and of such a nature as to render impossible the regular course of the government.

Foreign subjects are, in virtue of the said capitulations, only subject to their own authorities. It follows, then, that in the provinces of the empire there are as many police administrations, as many tribunals governed by different laws, as there are consulates. Consequently, in any police matter, as well as everything relating to judicial, financial and other administrations, the hand of the government is paralyzed in the name of this irregularity. The great inconvenience arising from such an extraordinary state of things, the insurmountable obstacles opposed to the accomplishment of the wishes of the Sultan to have order and regularity in all branches of the administration, are too evident to require enumeration here, and the extent of which cannot be more fully appreciated by any one than by those on who mthe responsibility of the government of the empire rests. The undersigned is persuaded that if the representatives who signed the collective note would take into consideration the preceding observations, they will admit that, as long as such a state of things exists, it must be impossible for the Sublime Porte to adopt the course on which they advise it to enter. In fact, how can it grant the right of establishing themselves as proprietors to populations who do not recognize its authority or its laws, and who do not submit to the obligations to which the subjects of his Imperial Majesty, the Sultan, are themselves subordinated, but to their own foreign tribunals? Everywhere else, where strangers enjoy the privilege of possessing property, they are subjected to the police, to the laws and tribunals of the nation amongst which they reside; they pay the same taxes as the people of that nation, and they do not expect to be treated more favorably than its own subjects.

The necessity and legitimacy of modifying the capitulations has been solemnly recognized by the Great Powers who signed the treaty of the 30th March, 1856, and has been solemnly expressed in one of the protocols of the Congress of Paris. In consequence, the undersigned feels himself justified in repeating that the government remains faithful to the promise made at the conclusion of that treaty, to deal with this question as soon as the legislation which governs foreign subjects in Turkey shall have undergone such changes as are required by present circumstances. According to the opinion of the Sublime Porte, the following three points must form the basis of the revision for that end:

1st The integral payment, by strangers resident in Turkey, of all taxes and imposts to which Ottoman subjects are subjected.

2d. What authority should the Sublime Porte exercise over them?

3d. Are there any advantages that could be granted them in return for the obligations they will have to accept?

The undersigned cannot omit to say, at the same time, that the government will neglect nothing in order that the laws to which strangers will be subjected shall offer all the most desirable guarantees. It is equally to be observed that the obtainment of all the immunities (to be) accorded to foreign subjects, and which would not be in direct opposition to their new position, would not be an affair of a stroke of the pen, nor of immediate accomplishment, since it would be out of the question to grant them all the privileges enjoyed by native subjects of the Porte. The undersigned avails himself of this occasion to repeat to his excellency the assurance of his high consideration.

ALI.

Mr. Seward to Mr. Morris.

[Extracts.]

No. 42.] DEPARTMENT OF STATE,
Washington, December 8, 1862.

SIR: Your despatch of November 6 (No. 33) has been received. The President regrets the delay which has occurred in the execution of the sentence which was passed upon the three assassins of the late Rev. Mr. Merriam. He confides, however, in the justice of the Sultan, and relies upon your assurances of diligent efforts to secure the necessary vindication of the rights and dignity of the United States.

* * * * * * * *

The information concerning the condition of the Sultan's health, which you

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have given me, excites much interest. His reign has been regarded here as a wise, beneficent and auspicious one. It is to be hoped that it may not be suddenly arrested.

You will accept my acknowledgments for the interesting exposition you have made of the political situation in Greece, which is ever, here, a subject of profound inquiry.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., *&c., &c., &c., Constantinople.*

Mr. Morris to Mr. Seward.

[Extract.]

No. 38.] LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, December 11, 1862.

SIR: * * * * * * * * *

A few days since I waited on Ali Pacha, the minister of foreign affairs, and communicated to him the President's congratulations on the restoration of peace and order in the troubled provinces of the empire, and also his assurances of his appreciation of the promptness and vigor which the Ottoman government had exercised in bringing to punishment the assassins of the Rev. Mr. Merriam and the Rev. Mr. Coffing.

His highness received these declarations of friendship and gratitude with unusual emotion and gratification. He said the government of his Majesty the Sultan cherished a sincere friendship for the United States; that it always desired to cultivate the most friendly relations with the United States, and would avail itself of every occasion to manifest the sincerity of its good will; that what had been done in the murder cases had been done not only under a sense of duty, but also with a desire to show to the President the vigor and impartiality of Ottoman justice in the vindication of the security of American life in the Turkish empire. He desired me to convey to the President his earnest wishes for the maintenance of the Union and prosperity of the American republic.

I am enabled, sir, at last to inform you that the sentence of death pronounced against the three assassins of the Rev. Mr. Merriam by the court of Adrianople, after having been confirmed by the supreme council of justice, has received the sanction of the Sultan. I deemed it my duty to stimulate action on this subject, and the result has been, that instead of lying for weeks unacted upon in the cabinet of the Sultan, it received his approbation within forty-eight hours after it reached him. The Turkish government, both metropolitan and provincial, has nobly done its duty in this case.

With great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Morris.

No. 43.] DEPARTMENT OF STATE,
Washington, December 13, 1862.

SIR: Your despatch of November 11 (No. 35) has been received and is approved. The account of the fiscal condition of the Turkish empire, which

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you have furnished, is very interesting, and your exposition of judicial administration in the various provinces is painfully so.

All the vast success and prosperity which the United States have so long enjoyed has not been realized without drawing something from the elements of civilization in other parts of the world. We are now beginning to have experience of the operation of the same inflexible laws which have reduced states abroad in order that our own might flourish.

The decline of the cotton culture in the United States is an unavoidable result of the war. But is there not some very valuable instructions in the fact that the cotton culture is reviving so rapidly in Turkey? I wish that our insurgent citizens would allow themselves time to think that the way of wisdom, at least in the present age, is the path of peace.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., *&c., &c., &c., Constantinople.*

Mr. Seward to Mr. Morris.

No. 44.] DEPARTMENT OF STATE,
Washington, December 31, 1862.

SIR: Your despatch of November 27 (No. 36) was received.

The views you have submitted concerning that part of the Hatti Hurnayoum of 1856, which promised a concession to aliens to hold real estate in Turkey, seem, at this distance from the place where the argument thereupon is going on, to be judicious and proper.

The President learns with satisfaction that the severe proceedings against the assassins of the Rev. Mr. Merriam, which it has been your duty to invoke, are likely to be carried to a full completion, and that a greater safety of the lives of American citizens throughout the empire has already resulted from them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., *&c., &c., &c., Constantinople.*

Mr. Seward to Mr. Morris.

No. 45.] DEPARTMENT OF STATE,
Washington, January 5, 1863.

SIR: Your despatch of November 11 (No. 38) has been received.

You will express to his Highness Ali Pacha the sincere satisfaction which the President has derived from the promptness and energy with which the Sublime Porte has given effect to its laws, in the case of the murderers of the American teacher, the Rev. Mr. Merriam. Especially, you will not fail to communicate the great pleasure with which the President has received the reassurances which the Turkish government has given of its friendly and cordial sympathies with the government and people of the United States. Nothing will be wanting on the part of the President to manifest the just reciprocation of these generous sympathies.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., *&c., &c., &c., Constantinople.*

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Mr. Seward to Mr. Morris.

No. 47.] DEPARTMENT OF STATE,
Washington, January 6, 1863.

SIR: Your despatch of December 4 (No. 37) has been received. The answer of his Highness Ali Pacha to the note of the ambassador of the Great Powers, on the subject of the rights of foreigners to own real estate in Turkey, certainly is very cogently expressed. The principles upon which intercourse is conducted between the Ottoman Empire and Christian nations are peculiar, and even anomalous. It is easily perceived, that if civil administration in Turkey could be made effective for the protection of the persons and property of foreigners, that change would afford a reasonable ground for a mutual melioration of the jealousies of Christian nations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., *&c., &c., &c., Constantinople.*

Mr. Seward to Mr. Morris.

No. 48.] DEPARTMENT OF STATE,
Washington, January 17, 1863.

SIR: Your despatch of December 18 (No. 41) has been received. The correspondence between yourself and the minister of France, which accompanies the paper, contains new and gratifying proofs of your zeal and diligence in the prosecution of the Turkish assassins of the American missionary, and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., *&c., &c., &c., Constantinople.*

Mr. Seward to Mr. Morris.

No. 50.] DEPARTMENT OF STATE,
Washington, January 26, 1863.

SIR: Your despatch of the 24th ultimo (No. 43) has been received, and I have communicated to the Postmaster General the favorable reply of the Turkish government to his proposition concerning reforms in international postal regulations.

With regard to the arrest of another of the band implicated in the murder of the Rev. Mr. Merriam, you are instructed to request the Turkish government, in the event of the condemnation to death of this fourth assassin, to delay the execution of his sentence until you can hear further from this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., *&c., &c., &c., Constantinople.*

Mr. Seward to Mr. Morris.

No. 51.] DEPARTMENT OF STATE,
Washington, February 2, 1863.

SIR: I have the pleasure to enclose herewith a transcript of a letter of the 20th ultimo, addressed to this department by the secretary of the American

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Board of Commissioners for Foreign Missions at Boston, on the subject of your successful exertions to bring to punishment the assassins of the Rev. Mr. Merriam.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., *&c., &c., &c., Constantinople.*

Mr. Seward to Mr. Morris.

No. 52.] DEPARTMENT OF STATE,
Washington, February 13, 1863.

SIR: Your despatch of January 8 (No. 45) has been received. The execution of the murderers of the late Mr. Merriam is an act of justice which reflects great credit upon the Turkish government. It is sincerely hoped that this timely severity may avert the necessity for further appeals to the Sultan of the same painful character with the one which you have brought to so successful an issue.

The information concerning the ministerial change which has recently occurred at Constantinople, and the painful forebodings which it has awakened, is received with serious concern by the President. It is fearful to think of the confusion which must probably follow a dynastic change in the Turkish empire. We foresee, indeed, that an advance of civilization in the East would probably, at some time, result from it, but wise and humane men may well shrink before a storm so threatening, though never so well assured that an improved atmosphere will follow it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., *&c., &c., &c., Constantinople.*

Mr. Seward to Mr. Morris.

No. 54.] DEPARTMENT OF STATE,
Washington, March 16, 1863.

SIR: Your despatches Nos. 49 and 50, of the 19th ultimo, have been received. The latter has been read with equal interest and pleasure, for the accession to office of the eminent statesmen with whom the Sultan has thought proper to surround himself cannot fail to be regarded everywhere as a new proof of his determination to persevere in the good work of political reform, and justify those high hopes to which his personal character and many wise public acts have given rise. We trust that his new counsellors will realize his just and benevolent designs.

So much of your despatch as relates to the new Captain Pacha, and the drawings and models which you think would be acceptable to the Turkish government, has been referred to the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., *&c., &c., &c., Constantinople.*

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Mr. Morris to Mr. Seward.

[Extracts]

No. 51.] LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, April 30, 1863.

SIR: * * * * * * * * *

I have not deemed it necessary to make any reply to the enclosed note of the minister of foreign affairs relative to the affair at Bitlis. The protection which I asked for our missionaries there, and which the Caimacum refused to give, having been granted, I do not deem it expedient to enter into any further discussion of the subject.

I am gratified to be able to inform you that the two remaining members of the band of brigands which murdered the Rev. Mr. Merriam have both met violent deaths. One of them, Satchly Mustapho, was killed by the keeper of a khan, with whom he had taken refuge near Slemnia; and the other a few weeks since, of the name of Hufiz, having attacked some peasants near Bourgas, was killed by one of them. I am determined, if possible, to secure the capture of Kaleel, the confederate of the executed Ahmed in the murder of Rev. Mr. Coffing in Syria. For this purpose I have instructed Mr. Johnson, at Beirut, to offer, on my private account, a reward of one hundred and fifty dollars for his delivery into the hands of the governor of Adana. I have also had new vizerial orders sent to the governors of the Syrian provinces for his arrest. I fear he has taken to the mountains of the Taurus, where he can enjoy the secret protection of chiefs in a district of country over which the Porte exercises but a nominal control.

I have the honor to be your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—I have the honor to acknowledge the receipt of despatch No. 55.

[Translation.]

No. 7211–6.] SUBLIME PORTE, DEPARTMENT OF FOREIGN AFFAIRS,
April 7, 1863.

SIR: I have received the note which you were so good as to address me under date of the 2d of March, with its enclosures, relative to the complaints made against the Armenians of Bitlis by the Protestants of that city, and the American missionaries now there.

The imperial government cannot approve, much less tolerate, scenes of fanaticism. It has always condemned religious hatred and persecutions, wherever they are found. But these passions, which ignorance engenders, are the most often super-excited by the unmeasured zeal of a proselytism which appears unwilling to be stopped by any consideration. Such seems to be the case in the present circumstance. We possess, on this point, information drawn from authentic sources, and which present the affair in entirely a different manner than that of the reports which have reached you. The Armenians arose against the conversion to Protestanism of some young persons scarcely 13 years of age. The missionaries who had converted them kept them shut up in their own houses, when, on the complaints of the parents, the local authority had to interfere and have them restored to their father. You are aware, sir, that the

Caimmakam did, in this circumstance, what was strictly his duty. He could not, nor ought he to, refuse his aid to a father whose child had been almost taken from him, and who certainly had a right to claim it.

No one can contest that the principle of liberty of conscience receives a most extended application in all parts of the empire. But we believe that in carrying divisions into the bosoms of families, and in speculating on convictions which are not yet formed, proselytism commits an immense wrong to this principle in the eyes of our public, who witness daily abuses of it, and among whom religious sentiments are so active. The imperial government is as desirous as any one to see more amenity in the relations existing among the Christians of divers rites, but, at the same time, it agrees that this cannot exist but as a matter of reciprocity.

Be so good, sir, as to accept the assurances of my perfect consideration.

ALI.

E. JOY MORRIS, Esq.,
Minister Resident of the United States of America.

Mr. Seward to Mr. Morris.

No. 60.] DEPARTMENT OF STATE,
Washington, September 8, 1863.

SIR: Your despatch of August 10 (No. 60) has been submitted to the President.

The circular which you have addressed to American consuls in Turkey is approved. The government receives with lively satisfaction the information you have conveyed of a great domestic reform in the administration of customs in the empire, and you are authorized to congratulate the Sultan thereupon.

The reports which are received here from foreign capitals induce a belief that, notwithstanding the great excitement prevailing there, there will be no disturbance of the peace of Europe, at least during the present year. Before next spring events may occur which will avert war on that continent for a much longer period.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., *&c., &c., &c., Constantinople.*

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DENMARK.

Mr. Seward to Mr. Wood.

No. 44.] DEPARTMENT OF STATE,
Washington, November 17, 1862.

SIR: Recurring to the suggestion contained in your despatch of October 4, 1861, (No. 19,) which was briefly answered in my instruction of the 29th of the same month, I have now the honor to state that a pair of Colt's pistols of the finest workmanship, and elaborately ornamented, designed as a present to his Danish Majesty, have been sent to your address, through the minister of the United States at London, who will forward them to you by private hand. It is the President's wish that this token of his good will shall be presented by you to his Majesty, in such a manner and with such accompanying remarks as you may deem most fitting to the occasion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq., *&c., &c., &c., Copenhagen.*

Mr. Seward to Mr. Wood.

No. 45.] DEPARTMENT OF STATE,
Washington, November 18, 1862.

SIR: Mr. Leas, late consul at Stockholm, writes on the 29th of October from Hamburg, that some disloyal citizens of the United States passed through that city three days before, on their way to Denmark and Sweden, on some unknown political errand. Mr. Leas apprehends their object to be the purchase of cannon. You will be expected to set the American consuls on their guard, and to do whatever can lawfully and properly be done to discover and counteract their pernicious designs at Copenhagen.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq., *&c., &c., &c., Copenhagen.*

Mr. Wood to Mr. Seward.

No. 95.] LEGATION OF THE UNITED STATES,
Copenhagen, January 5, 1863.

SIR: On the 1st instant I went to Fredensborg, some twenty miles or more from here, to wait on the King and deliver the present of the President. On presenting the same with the President's wishes for his health and happiness, and the peace and prosperity of this ancient Scandinavian kingdom, whose people were so near akin to the Anlgo-Saxon race, I stated "that the revolvers were an American invention, of American manufacture, and American material, and that if his Majesty should ever have occasion to use them in defence of his kingdom and of the rights and privileges of his people, (now among the freest in Europe,) he would find them as true as the material of which they were

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made, and as unerring as right and justice demanded. That though we were now engaged in a war to resist an unprovoked rebellion and to defend the Constitution, the mission of the United States was peace with all the world; that whatever might be the wishes of her people for the liberty and happiness of other people and nations, the policy of the government was never to be engaged in any but a defensive war, never to interfere with other nations, and never to be interfered with; and when this war was at an end, Europe would see its large armies quietly disbanding and resuming their accustomed peaceable pursuits. That the present war was an attempt on the part of the confederates to establish a slave oligarchy, and to perpetuate an institution to which all civilization and Christianity was opposed, and its instigators had not only desolated their own homes and plunged the whole country in mourning, but they were starving thousands of operatives on this side of the Atlantic; and yet, notwithstanding this, through the false representations of their emissaries in Europe, (all of whom had sworn to support the Constitution, and not a few of whom had held office under the government,) they were trying to embroil some of the governments of Europe by inducing them to intervene in the affairs of the United States. That I could only say, that all active foreign intervention would intensify the miseries already caused by this war, and infinitely prolong them. That I had assurances that the government of the United States would sooner or later put down this rebellion, and with it remove forever the cause of it, thus securing lasting peace. But whether the war should be speedily terminated or not, I was confident that nothing would occur on the part of the federal government to disturb the peaceful relations which had so long existed between his Majesty's government and that of the United States, who were most desirous of lasting and honorable peace, and who were pursuing the only effective measures to secure it." His Majesty was much pleased with the present of the pistols, thanked the President again and again for them, expressing his hopes that the Union would be preserved and peace restored. My reception was most cordial. I will soon send his answer in full. I think the Danish officials appreciate very highly this kindness on the part of the President; for whatever may be their opinion as to the possibility of preserving the Union, they, unlike some others, do not wish its destruction.

I remain, your obedient servant,

BRADFORD R. WOOD.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Wood.

No. 51.] DEPARTMENT OF STATE,
Washington, January 17, 1863.

SIR: Your despatch of December 9 (No. 90) was duly received.

Several communications which were addressed by the insurgent conspirators at Richmond to their emissaries in Europe have been intercepted and made public. A copy of this treasonable correspondence is herewith sent to you. It discloses at least one object of the visit of one of those emissaries to Copenhagen. The Danish government is too well informed of all the circumstances which attended the making of the arrangement between itself and the United States in regard to captured Africans, and especially of the good faith manifested by both governments on that occasion, to need any special expositions on the subject from the department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq., *&c., &c., &c., Copenhagen.*

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Mr. Wood to Mr. Seward.

[Extracts.]

No. 98.] LEGATION OF THE UNITED STATES,
Copenhagen, January 20, 1863.

SIR: The President's proclamation and news of the battle at Murfreesborough reached us by the same mail. These are, I think, the two greatest events of this war, and which is now begun in earnest on the part of the north.

* * * * * * * * * *

Depend upon it, that proclamation is the severest blow the confederates have received this side of the Atlantic. I am glad to see that such a force has gone south under Banks.

* * * * * * * * * *

I remain, very truly, your obedient servant,

BRADFORD R. WOOD.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Wood to Mr. Seward.

[Extracts.]

No. 100.] LEGATION OF THE UNITED STATES,
Copenhagen, January 27, 1863.

SIR: In my last despatch I called your attention to the Hamburg exhibition, to be held in July next. I am informed by the Hanseatic minister here that the gunautors and the executive committee are men of the first respectability and position, and I think we should avail ourselves of every legitimate opportunity to make ourselves known and understood in Europe. We are now suffering from the neglect of this in days past, and I need not urge on any one how important and how beneficial to all concerned would be an extensive emigration from Germany and the north of Europe to the United States; and the better we are known, the larger will be that emigration. But ignorance in relation to the United States is the rule—intelligence the exception; and you see this strikingly illustrated in the recent letter of the archbishop of Dublin. And but for this ignorance the London *Times* would not assert that we are virtually engaged in the slave trade with Brazil; that you had said "you would consent that Massachusetts should be a slave State if the Union could be restored;" and that the administration was so desirous of this, that they would re-establish slavery, and make the discussion of it a penal offence; denouncing the north as a nation of hypocrites in respect to slavery. All this only shows that no act or word of the government should be of doubtful import, and how hardly the *Times* is pressed to the wall by the President's proclamation and its effects in England. We have certainly so far gained nothing abroad by our offer to expatriate the negroes, but a belief in our unconquerable prejudice against the race; while, at home, the common sense of our people must see the necessity of retaining every negro in the country. We certainly want every laborer we can get, black or white, and I hope soon to see the sense of justice and right, and the true interest of the country, triumphing over a narrow-minded and unchristian prejudice in respect to the men of African descent. You know that we are the only people who have the prejudice, while in Europe it is unknown to either Protestant or Catholic; and the Catholic Irishman, who in America has such a horror of a negro, would be taught here by his church that the negro is (all things being equal) as good as himself.

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This ignorance of the United States, to which I have alluded, manifests itself everywhere. I have scarce found that man, among the most intelligent, who did not share this opinion, and who did not dread our colossal power as dangerous to the peace of the world.

And this is correct European logic, though not true in its application to us. Men here reason from the past, and no one believes in the justice of any power, if that power is strong enough to be aggressive as well as unjust.

I remain, sir, your obedient servant,

BRADFORD R. WOOD,
Minister Resident.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Wood.

No. 54.] DEPARTMENT OF STATE,
Washington, February 18, 1863.

SIR: Your despatches from No. 97, of the 13th ultimo, to No. 100, of the 27th ultimo, have been received.

The President has read with much satisfaction the reply of his Majesty to your remarks on presenting the pistols. Before the receipt of your despatches Nos. 99 and 100, an interesting note had been received at this department upon the subject of the international agricultural exhibition to be held at Hamburg in July next, from Mr. Schleiden, the minister resident of the Hanseatic republic, accredited to this government, and a copy of this note had been communicated to Congress by the President, with a view to the adoption of such measures in relation to the subject as might be deemed expedient.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq.,
&c., &c., &c., Copenhagen.

Mr. Wood to Mr. Seward.

No. 107.] LEGATION OF THE UNITED STATES,
Copenhagen, April 14, 1863.

SIR: Since my last despatch I have had the pleasure of reading to and hearing, with the minister of foreign affairs, Mr. Hall, the resolutions of the United States Congress on foreign interference. They received his unqualified assent. With these before the world, and an energetic enforcement of the conscription at home, Europe will learn that we are not under the control of the mob, as she has been taught. It now looks as if by another year we can put down the rebellion by starvation, if in no other way. I have also communicated to this government, as directed, the letter of the Postmaster General in relation to the postal convention at Paris for the 11th May proximo.

I remain, &c., your obedient servant,

BRADFORD R. WOOD,
Minister Resident.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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Mr. Seward to Mr. Wood.

No. 60.] DEPARTMENT OF STATE,
Washington, June 13, 1863.

SIR: Your despatch of the 26th of May (No. 112) has been received. It is gratifying to know that the President's letter to his Majesty was received in the same friendly spirit with which it was written.

Your suggestion in regard to further measures for suppressing the insurrection has been submitted to the President for his consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq., *&c., &c., Copenhagen.*

Mr. Seward to Mr. Wood.

No. 68.] DEPARTMENT OF STATE,
Washington, September 22, 1863.

SIR: The opening of the campaign is attended with some embarrassments which, in the excitement of the moment, are likely to be exaggerated. The expedition of General Franklin to Sabine Pass was only one of three designed to re-establish the national authority in Texas. Its repulse may retard, but it is not thought that it endangers, the success of the plan.

Official despatches from the army of the Cumberland have been received of a date so late as two o'clock p. m. of the 21st. They are inexplicit, but the general effect is thought to justify the expectation of our continuing to hold our important positions in Tennessee. Should any later news be seasonably received I will communicate it by telegraph.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq., *&c., &c., Copenhagen.*

Mr. Wood to Mr. Seward.

No. 126.] LEGATION OF THE UNITED STATES,
Copenhagen, October 20, 1863.

SIR: Your despatch No. 68, in relation to General Franklin's expedition and the army at the Cumberland, has been received. * * * We have no right to object to the publication of the truth, but the writer of falsehoods, in the present state of our affairs and European sentiment, should be dealt with in some manner that will forever teach him the ninth commandment.

I remain, &c., &c., your obedient servant,

BRADFORD R. WOOD,
Minister Resident.

Hon. WILLIAM H. SEWARD,
Secretary of State.

P. S.—The Danes are massing their forces on the frontier of Schleswig.

B. R. W.

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EGYPT.

Mr. Thayer to Mr. Seward.

No. 23.] UNITED STATES CONSULATE GENERAL,
Alexandria, November 5, 1862.

SIR: A very marked stimulus has been imparted to the production of cotton in Egypt in consequence to the continued failure of the supply from America. The crop which is now coming in, and which loads almost every freight train and boat from the agricultural districts, will probably exceed a million of cantars, (each cantar being about 99 English pounds.) This though a larger yield than was ever before known here, is not one-fifth of the annual capacity of the country.

The Viceroy has exerted his influence to aid in the increased cultivation. During his recent visit in England he assured the manufacturers of Manchester that the next year's crop should be at least one-half greater than on any previous year; and he has accordingly advised all the large native proprietors hereafter to sow one-fourth of their land with cotton. As the advice of his Highness is practically equivalent to a command, the proprietors have commenced by importing large quantities of seed and various labor-saving machines for the planting and irrigation of the soil, and the many steamers and sailing vessels which arrive in this port are constantly bringing the most improved patterns of cotton-gins and other inventions calculated to expedite the great agricultural revolution now in progress.

In June last there were finished or in process of construction, in Egypt, twenty-four steam cotton-cleaning establishments, containing 1,100 gins. At the present date the number of these establishments has augmented to about fifty. According to the statement of practical men, the wooden cotton-gin, in ordinary use among the peasantry, can only perform, in the same time, one-tenth of the work of the improved machine of Macarthy. The fellahs themselves are beginning to see that the high prices now ruling at Alexandria render desirable a more rapid preparation of their great staple, and the prospect is, that before the markets of the world recover from the effects of the war in America, the old-fashioned hand machinery will have passed out of use.

In my despatch dated July 20, of last year, the ruling price of cotton here was quoted at $13 50 a cantar, which was considered very high. The change since that time may be seen in the subjoined table covering the last five months prior to this date.

Average price of cotton in the Alexandria market.

1862.	Per cantar.	1862.	Per cantar.
June 1	$18 00	September 17	$18 00
June 15	20 00	September 18	49 00
July 1	25 00	October 1	40 00
July 15	29 00	October 15	37 00
August 1	30 00	October 29	34 00
August 15	31 00	November 1	32 00
September 1	35 00	November 4	33 00
September 15	45 00		

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The fluctuations of prices vary principally in accordance with the spirit of the daily telegrams from the Liverpool market and the impressions as to the probabilities of peace in America entertained by the mercantile community of Liverpool and Alexandria. A decided victory on the part of the Union forces tells ordinarily in a depreciation of price.

Sir Henry Bulwer, the British ambassador at Constantinople, has arrived here this afternoon. The King of the Belgians and his son, the Duke of Brabant, are expected this winter to make the voyage up the Nile.

A railway six hundred miles long is projected by an English company, between Cairo and the ancient harbor of Berenice, on the Red sea. This route, it is said, will shorten, by two days, the journey of the overland passengers to and from India, who embark and disembark now at Suez, a point on the Red sea four hundred and fifty miles north of Berenice. The French company which has lately established a rival line of steamers to that of the P. & O. Company, trading at Mauritius and Cochin China, will send their passengers across this railway. The road, according to the engineers who have surveyed it, I am told, will open to cultivation vast and hitherto unimproved provinces of Egypt, and will save to Nile travellers the tedium of the slow boat-voyage between Cairo and Keneh, which is a short distance below the wonders of Thebes. The railway will start from the west bank of the Nile, opposite Cairo, and, passing by Benisooef and crossing the river at Keneh, will touch the Red sea at Kosseir. From Kosseir it will follow the coast southwardly to Berenice. Two years are required for its construction. The expense is estimated at £25,000 a mile.

The sentiments of the people here, and, as I learn from trustworthy sources, throughout the Levant—with the exception of some of the English residents—are unequivocally in favor of the United States government in the effort to maintain its integrity. In a visit I made the other day to his excellency Cherif Pacha, who has been for a long time the very capable minister of foreign affairs, I found he entirely sustained the positions taken by our government in the war. He had on his table a late number of the *Revue des Deux Mondes*, containing a sympathetic and intelligently-written account of the campaign of the army of the Potomac, which he had read with much satisfaction. I have also held conversations on the state of our affairs with several of the consuls general of Europe, and their comprehension of the nature of our war, and outspoken good wishes for the preservation of our Union, were very gratifying.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM S. THAYER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Thayer to Mr. Seward.

No. 24.] UNITED STATES CONSULATE GENERAL,
Alexandria, November 12, 1862.

SIR: I am informed by an intelligent proprietor, who claims to have made a careful and accurate reckoning, that the yield of cotton in Egypt next year, if the command of the Viceroy to plant one-fourth of the cultivated land with that product is carried out, cannot be less than two-thirds greater than in any previous season, and that it will amount to three million cantars, or about six hundred thousand American bales. It is commonly asserted that Egypt could supply a million bales a year, if its capacity were fully tested, and that, too, without serious displacement of the grain and other staple crops. The governor (mayor) of Alexandria, himself a large cotton-planter, tells me that a few Americans, experienced

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in the raising and preparation of cotton, would be of signal service in teaching the native cultivators here.

The telegraph news, which came on the 10th, of the President's order to facilitate the export of cotton from New Orleans, caused an immediate fall in the Egyptian article of two cents on the pound. A few speculators on the exchange expressed themselves highly incensed at the order, as well as at the proclamation of emancipation. Both of these measures, though cordially approved by the less interested classes, they consider as tending towards the end of the war, which, however calamitous elsewhere, has not been without its compensations to them. There is scarcely one of them, it is believed, who has not doubled or tripled his capital during the past summer, and the sudden influx of wealth in the community is apparent, as it was at the time of the Crimean war, in the unusual number of new buildings, and in other signs of enterprise and prosperity.

The principal difficulty in fulfilling the Viceroy's command is said to be the withdrawal, by the government's direction, of labor to the works on the canal of the isthmus of Suez, which have lately required an average of from 20,000 to 30,000 hands. The places of those who are taken from the plantations may, it is true, be supplied by those who have served their time on the canal, but, unhappily, the latter are by no means so efficient on the cotton field as their more skilled predecessors.

This drain, however, on the already insufficient labor of the country is not likely to be long continued. The canal company are now importing from Europe twenty steam excavating machines of immense power, which it is expected will finish the great ship canal between the seas in three or four years, with the employment of but from one thousand to two thousand men. This estimate is derived from the surveys and measurements of engineers. The proposed canal will have a width of 65 metres (213⅓ feet,) and a depth of 8 metres, (about 26¼ feet.) The entire length from Port Said, on the Mediterranean, to Suez, on the Red sea, will be 93⅓ miles.

Thus far, besides their ample canals of Nile water for the fertilization of their lands, the company has been engaged in digging a small canal, called *la rigole de service*, on the route of the proposed large one. It is now more than half finished, extending from the Mediterranean to Lake Timsah, with a width of twelve metres (about 39⅓ feet) and a depth of one metre and three-fifths, (about 5¼ feet.) The remainder will be built in ten months; the waters of the Mediterranean, to the completed portion of the canal of service, in a few days, and it is expected the occasion will be marked by a festive commemoration, in presence of the Viceroy, Mr. de Lesseps, (the energetic projector,) Sir Henry Bulwer, British ambassador at Constantinople, and other official guests.

One advantage of the small canal will consist in the facilities it will afford in bringing from the quarries on the isthmus the stone needed for building the pier at Port Said, a material heretofore brought from the distant and inferior quarries of Alexandria. Returning from Port Said the boats can be reloaded with coal for the steam-engines employed in excavation. When this small canal shall have been finished to Suez, it will be useful in supplying coals to the numerous steamers of the Peninsular and Oriental and French Messageries companies which ply between that port and India. At present these companies have all their coals brought from England, in sailing vessels, around the Cape of Good Hope, or else by railway across Egypt, at an expense of 27 shillings a ton. The estimated expense of transportation from the Mediterranean over the canal is but eleven shillings a ton, a very material saving.

During the period of favorable winds, it is hoped by this route to ship cotton from India, thus avoiding the passage of the Cape of Good Hope, and saving at least 5,000 miles. But since, even at the best season, the rocky and narrow channel of the Red sea is a dangerous one for sailing vessels, Mr. de Lesseps

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relies greatly on the increased use of the screw as an adjunct to the sail in vessels designed for the India trade. With the existing demand for cotton, and at existing high prices, a practicable canal across the isthmus would certainly be of vast utility in expediting the great staple to the markets of the world.

The practicability of building a sufficient harbor at Port Said, and of resisting the encroachments of the desert sands on the channel of the canal, appears to be generally conceded. Even the most unfriendly critics do not deny it so unhesitatingly as formerly. The panic of danger to British possessions in India, from the increased proximity of France, has subsided. The objection most often repeated is implied in the question, will it pay? The shareholders, it is stated, are the Viceroy and a multitude of small capitalists in Europe, principally French. With his Highness, who has been interested in the project from the beginning, it is a matter of personal pride that it should succeed, and it will not probably fail from any want of support on his part. The works on the isthmus have now almost become one of the regular and necessary sights for the tourist in Egypt.

The Viceroy is building three naval steamers in England; one of them is a large iron-clad frigate, intended as a present to the Sultan, who has ordered three more frigates of the same kind on his own account. I may mention here that the news of the achievements of the *Monitor* is alleged (I cannot say how truly) to have occasioned the breaking up of a business house which was founded here for the purpose of fulfilling orders for Sicilian oak for the dock-yards of the British navy; whether its contracts were cancelled in prospect of the new age of iron, I am not informed.

About two weeks ago the annual pilgrimage of foreign tourists in Egypt began. Five dahabeahs, or travellers' boats, went up the Nile, the first of the season. But four Americans have as yet arrived.

I have neglected to mention that the oldest protégé of the United States in Egypt died at Cairo on the 9th of July of this year. His name was Mohammed Habbat. He was nephew of Hamet Caramalli, ex-Pacha of Tripoli, whom he accompanied on the famous joint expedition of Arabs and American marines under General Eaton, which, in 1805, marched from Egypt across the desert of Barca and captured Derna, (see American State Papers, vol. II, also Life of General Eaton.) In recognition of the services of Hamet Pacha, he and his family and suite, numbering about 50 persons, received at the time papers of American protection, but, notwithstanding his urgent petition, Congress was never induced to reward him in any other way; and 50 years later this Mohammed Habat, then an old man in great poverty, came from Cairo to Washington to supplicate in vain for what he considered our debt to the remnant of his uncle's descendants. The venerable mussulman, though he left but little property, thought it necessary to leave a will, "in accordance" (so says the concluding sentence) "with the word of the Prophet, which declares, he who makes his will dies in the grace of God." A wife and one child, a son of about forty, survive him.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM S. THAYER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Thayer.

No. 16.] DEPARTMENT OF STATE,
Washington, November 24, 1862.

SIR: Your private letter of the 27th of October has been received, and its suggestions are interesting and important. The insurgents, being irresponsible,

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do, and can do, many things which we cannot. One of these things, undoubtedly, is corrupting the press in Europe. Such a process, or even one of innocent appeal to foreign journals by agents of the government, would produce a universal clamor. This government can do nothing secretly. Agents the most discreet are communicative, and the interested espionage of each press over its rivals is a system of monstrous exaggeration. If, instead of an innocent appeal upon moral considerations for favor, we should resort to the use of money, even to pay advocates their expenses, the world would at once be alarmed with charges of corruption, which would, perhaps, be fatal to the national character, if not to the safety of the nation itself. Let us do the best we can with the customary machinery of international communication to enlighten and instruct the nations of Europe. If we fail in that, let us remember that it is here, not there, that the country is to be saved. A hostile press in Europe does, indeed, increase our labors and embarrassments, but it cannot destroy any more than it can build states.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. THAYER, Esq., *&c.*, *&c.*, *Alexandria.*

Mr. Thayer to Mr. Seward.

No. 25.] UNITED STATES CONSULATE GENERAL,
Alexandria, November 28, 1862.

SIR: The celebration of the entrance of the waters of the Mediterranean, through the provisional isthmus canal into Lake Timsah, (alluded to in my last despatch,) took place on the 18th instant, in presence of a very large concourse of people, including the Arab laborers on the canal. Mr. de Lesseps, at 10 o'clock in the morning, gave the word of admission, in the name and by the permission of his Highness, Said Pacha, Viceroy of Egypt, and the stream from the sea at once poured itself in the basin of Lake Timsah, half way across the isthmus of Suez. A *Te Deum* was sung in the Catholic church, and thanksgiving services were held by the Arabs in the mosque. Dinner followed, at which 350 guests were present, and the evening was commemorated by fireworks, illuminations, and a ball. Excursions about the neighborhood were made by the company, some on horseback, and some in vehicles, each drawn by six dromedaries. The proceedings are believed to have been highly satisfactory to all parties.

Next month, it is expected, the new station line of steamers between Ancona and Alexandria will be in operation, so that we shall have by it an arrival and a departure every fortnight. The steamers, which are large and luxuriously appointed, are nearly finished in England. The passage between Egypt and Europe will in this way be reduced to three days and a half. When the railway shall be constructed from Ancona to Otranto, the Italian terminus of the line will be at the latter port, so that only three days will be required. As Ancona is by rail but eighteen hours from Turin *via* Milan, this route promises to be the shortest and most popular of all between western Europe and Egypt.

The French Messageries have, since the 20th of October, added to their line two steamers a month, making one a week. The boats of this company alternate, touching in the voyage between here and Marseilles, one week at Messina, and the next at Malta. This company last month started their monthly line between Suez and India. This is the commencement of a rivalry with the English P. & O. Company's weekly line on the same route; the other principal lines between here and Europe over the P. & O. Company's weekly line, with

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a terminus at Southampton; its other weekly line, with a terminus at Marseilles, and the weekly Austrian Lloyds terminating at Trieste. The passage by this last requires but five days, and is the shortest at present existing. Add to these the six lines of merchant steamers, intended primarily for freight, but accommodating passengers, viz: four between here and England, and two between here and France, and it may be said that we have at least an arrival from and a departure to Europe of a commercial steamer every day. There are also three lines between here and Constantinople, the steamers of which come and go once a fortnight, touching at Smyrna and along the coast of Syria, namely, the Austrian Lloyds, the Russian Company's, and the French Messageries. Besides these, is the more direct line (once a fortnight) of the Austrian, which touches at Smyrna, Athens, and the Ionian isles, without visiting Syria in the journey between here and Constantinople.

These facts, with others, such as the projected railway of 600 miles to Berenice, (mentioned in my despatch No. 23,) indicate the increasing commercial importance of Egypt.

The proposed re-establishment of the port of Berenice, on the Red sea, is worthy of remark. The city was anciently founded by Ptolemy Philadelphus, as the emporium of European trade with India, and continued such for centuries, until the diversion of commerce by the discovery of the passage by the Cape of Good Hope. The ruins of its past greatness still attract the notice of travellers. History tells us it was through Berenice that the Romans imported annually from India merchandise which cost them two millions of dollars, and which they sold in Europe for a hundred times that amount.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM S. THAYER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Thayer.

No. 17.] DEPARTMENT OF STATE,
Washington, December 2, 1862.

SIR: Your despatch of November 5 (No. 23) has been received. The information which you give of the increasing production of cotton in Egypt is very gratifying. Profitable as the cotton monopoly in our now insurgent States has been to the country, its continuance would, nevertheless, cost too much if it should involve a prolongation of this unhappy and desolating war, or domination of African slavery over the free institutions of the republic. The insurgent monopolists have improved to the utmost the derangement of commerce which they have produced. But only the present moment and narrow commercial interest work in their favor. Time and all the permanent interests of humanity work against them. The result cannot be doubtful.

The projected railroad from Alexandria to Berenice is an improvement of vast moment, not to Egypt alone, but to the whole world. The United States are at present less directly interested in it than the European and Asiatic powers. But they will not for that reason be any the less disposed to favor and forward the enterprise. They have already entered upon one which is of the same high character and even more stupendous, namely, the extension of the Atlantic system of railroads across the continent to the Pacific ocean. It ought to be the work of the present generation to remove the obstructions to universal commerce which nature has so long maintained on the two continents. It is a fixed purpose of the United States to do their part.

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The President is gratified with the new evidences which your despatch brings of the friendship of his Highness the Pacha, and you are authorized to assure him that in all his enterprises for the improvement of his people and important domain he has the sympathy and best wishes of the government and people of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WM. S. THAYER, Esq., &c., &c., *Alexandria.*

Mr. Seward to Mr. Thayer.

No. 17½.] DEPARTMENT OF STATE,
Washington, December 15, 1862.

SIR: Your despatch of November 12 (No. 24) has been received. The information of the progress and increase of the cotton culture in Egypt is of such vast significance to our own country that I shall cause it to be published here without delay. The insurrectionary cotton States will be blind to their own welfare if they do not see how their prosperity and all their hopes are passing away, when they find Egypt, Asia Minor, and India supplying the world with cotton, and California furnishing the gold for its purchase.

Your account of the Suez canal is also very interesting, both in regard to the advances Egypt is making under her present enlightened government, and even in the larger relations of an enterprise calculated to benefit universal commerce. Finally, your whole communication has had the effect to increase the desire of this government for the return of peace, so that the United States may renew their commercial career, which has hitherto been so eminently successful.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. THAYER, &c., &c., *Alexandria.*

Mr. Thayer to Mr. Seward.

No. 28.] UNITED STATES CONSULATE GENERAL,
Alexandria, January 27, 1863.

SIR: I am informed that some time since the French minister of foreign affairs at Paris announced to Lord Cowley the Emperor's wish to procure blacks from Egypt. This report somewhat confirms the surmise in my last despatch that the Emperor had sounded the courts of Europe before taking a step which would violate the rights of the Porte, as suzerain of Egypt. It also partially accounts for the confidence with which, in official quarters here, it was predicted that there would be no protest from the European powers against the offence. In what light the proposed measure was presented to secure in advance such an acquiescence I can only conjecture. If these reports be true, the United States is the only great power which is not hampered from protesting against the Emperor's transaction.

On the 20th instant, at 2 o'clock p. m., the consular corps were formally received by the new Viceroy, Ismael Pacha, at the citadel, in Cairo. With the military display, and the attendance of the high officers of government, who, like his Highness and the consuls general, were in uniform, the ceremony was somewhat imposing. The Viceroy listened, standing, to the address of the

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consular corps, which was read by the Austrian consul general, and delivered a brief and well expressed reply declaratory of his policy. The main features of this policy were announced to be the development of agriculture and commerce; the adoption (contrary to the system of his predecessors) of a civil list, which he will not exceed; the suppression of government corvees, which have withdrawn so much labor from agriculture; encouragement of public instruction, strict administration of justice, and order and economy in the finances. The consular address and the Viceroy's reply are herewith transmitted, marked A.

His Highness also stated, in reply to a remark by the French consul general, that, in abolishing corvees, he had no design to arrest the works on the Suez canal, which are largely carried on by that system.

The Viceroy and his official guests then seated themselves on the divan, and, after the usual civilities of pipes and coffee, the reception closed.

The new Viceroy, who is a son of Ibrahim Pacha, the conqueror of Syria and Greece, receives the viceroyalty not in the direct line, but according to the rule which gives the succession to the oldest male of the blood of Mehemet Ali.

He has begun his administration by several energetic measures for the promotion of agriculture and commence. The government steamers have been ordered to transport the cotton of the interior to this port, a work too great for the present railway facilities of Egypt. The enterprise of laying a double track of rails between here and Cairo has been hastened, and the corvee of laborers for building palaces and works of no public utility has been stopped.

Ismael Pacha has already shown a very considerable administrative talent in the conduct of his private affairs. His vast sugar and cotton estates have been managed with a prudence and skill which have proved highly remunerative, the value of his cotton crop alone for the past season being estimated at one million of dollars. His success on more than one occasion as regent, during the late Viceroy's visits abroad, also affords a favorable augury for the future.

I cannot allow the death of Said Pacha to pass without recurring to some of his claims to public remembrance.

Mohammed Said Pacha, son of Mehemed Ali, and the fourth hereditary Viceroy of Egypt, was born in 1822, and began his reign on the 14th July, 1854, ruling nearly nine years. Those nine years have been, perhaps, the most fruitful of benefits that Egypt has enjoyed for many centuries. During that period the oppressive monopoly enjoyed by the government of the agricultural products of the country has been abolished, together with the vexatious system of internal custom-houses. The lands of which the Viceroy was once exclusive proprietor have been divided among the shieks and heads of village families. The laborer has been freed from the serfage which bound him to the soil where he was attached, foreign enterprise and improvements have been encouraged, and heavy taxes have been removed at the sacrifice of a large part of the Viceroy's revenue. From all these, as well as other beneficent reforms, the country has to thank Said Pacha. Without his aid, also, the Suez canal would not have been attempted, and, amid all its obstacles, he has been its steadfast friend.

He has made most liberal gifts to schools and churches of all Christian sects established here, and, on several occasions, has effectively checked religious fanaticism and persecution, in spite of the adverse pressure of the Mohammedan hierarchy.

The United States are under special obligations to his friendship. The prompt and unequivocal announcement at the outbreak of our southern rebellion of his purpose to exclude from his harbors all vessels bearing an unrecognized flag, the facilities he offered us for obtaining Egyptian cotton on a footing with the manufacturers of England, the severity with which he punished the influential persecutors of the American missionaries' agent, and the noble gift to the

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American school of a building worth $50,000, have been recorded in my former despatches.

Said Pacha had enjoyed a fine education. In youth he had studied mathematics, design, and nautical science, besides undergoing a long and severe apprenticeship in the naval service until, in the time of his not too indulgent father, he became admiral of the Egyptian fleet. He was very familiar with the oriental and French languages, and had a slight acquaintance with English and other tongues. He was a man of quick wit, varied intelligence, enlightened opinions on many subjects, and of very agreeable social qualities. His impulses were generous, and undue advantage was often taken of his facile disposition.

He could hardly avoid the influence of the system in which he was brought up, and his conduct at times was the natural result of the union of unregulated passions with the possession of despotic power. He was extravagantly fond of military pomp, and, notwithstanding a private income larger than that of any European sovereign, he embarrassed himself by his prodigal expenditure for the army. The last freak of this kind attributed to him was the purchase of 20,000 uniforms, of which the buttons, even of the ordinary soldiers, were of solid silver and of large size. The evils of this extravagant taste were aggravated by his aversion to the details of business.

In religion he was an indifferent Mussulman, but paid respect to the belief of his people by making, in February, 1861, the pilgrimage to Medinah, which once in a lifetime is required from every follower of the Prophet. On one occasion, when speaking of his relations with the Porte, he told me he knew that, without the adverse intervention of European governments, he could easily establish his independence, but that the declining power of Mohammedanism made it a patriotic, as well as a religious, duty that its disciples should remain one people. He admitted that the decline of Mohammedanism was due to the bigotry of its religious leaders and their opposition to that spirit of improvement which characterizes the nations of the west.

Said Pacha leaves but one child, Tousoon Pacha, a boy of ten years of age.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM S. THAYER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Thayer to Mr. Seward.

No. 30.] UNITED STATES CONSULATE GENERAL,
Alexandria, February 17, 1863.

SIR: Shortly after the accession of the present Viceroy disturbances occurred between the native and foreign born residents of Egypt which was thought to betoken a serious uprising of Moslems against Christians. They commenced on the 30th ultimo with the maltreatment of a French subject by an Arab mob, but at the instance of the French consul general his Highness inflicted so summary a punishment on the principal offenders that the public alarm has greatly subsided.

By the fanatical party of the Mohammedans it was expected that the new ruler would reverse the tolerant regime of his predecessor, and this expectation was manifested in the form of popular cries and insults to foreigners in the streets, but his Highness has declared himself a friend of religious equality, and announced that he will, with a strong hand, suppress any attempt on the part of his people at tumult or persecution.

If further proof on this point were wanting, it would be found in the reception

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he yesterday accorded, at his palace in Cairo, to a deputation of American clergymen and missionaries.

As they entered the Viceroy rose from the divan and stood while receiving them. I then spoke (in French) to this effect: "Highness, I have the honor to present to you my fellow-citizens, the Rev. Drs. Dale and Prestley, who represent the national assembly of a very important division of the American church. Before returning to America, to render an account of their visit here, these distinguished gentlemen desire to pay you their respects, and to make known to you their appreciation of your enlightened and liberal policy in regard to the Christians in Egypt.

"I have also the pleasure to present to you Messieurs the instructors of the American school in Egypt. If, as your Highness has said in his noble discourse to the consular corps, 'education is the basis of all progress,' these gentlemen are the benefactors of the country, and with all my heart I recommend them to your benevolent regard."

The Viceroy replied that he highly appreciated the honor of this visit from the representatives of the American church, and would do all in his power to make their stay agreeable. To the instructors of the American school he would say, "that he thanked them for coming here to spread the light of civilization and improvement over the country, and at any time they might need it they would have his protection and support." Such is the substance of the Viceroy's reply.

The company, numbering eight, were invited to be seated, and an agreeable conversation was held over the chibouques and coffee. His Highness strongly repeated his friendly assurances to the missionaries, approved their efforts, and showed much interest in the details which they gave him of their plans. In short, from the beginning to the end of the interview, he displayed an unaffected liberality of sentiments, which, at this time, is peculiarly reassuring.

The accession of the Viceroy and the arrival of the firman of investiture from the Porte have given occasion to the usual prolonged illuminations and festivities. On the 3d instant his Highness entertained the consular corps in Alexandria at a magnificent dinner, to which the guests were invited to come in uniform. As my uniform happened to be at Cairo, one hundred and thirty miles distant, and as the invitation came too late to telegraph for its transmission by the regular train of that morning, his Highness, without my knowledge, was kind enough to order a special train to bring it in the afternoon, so that I was able to attend the dinner at the palace. I have thought this act of courtesy worthy of my official mention.

As a supplement to my despatch No. 29, I here copy from the manuscript the opinion on the condition and resources of Egypt, given by Sir Henry Bulwer, British ambassador to the Porte, at a public dinner, held in Alexandria, January 31, 1862. Sir Henry had passed several weeks of incessant inquiry on the subject of which he speaks:

"The exportations during the last few years have increased by about one-fourth, and importations nearly the same. More than 500,000 acres are cultivated now that were not cultivated five years ago, and the produce will be about double this year what it was a few years since. Let me add that the production of cotton has, within a short period, had an immense increase, while its value was four times what it was; and it is gratifying to connect with this improved profit of the soil a fact to which I have already alluded, viz: that the serf of former times had become, under Said Pacha's reign, a proprietor.

"The revenue, which has increased in much the same proportion, in imports and exports, is £3,700,000; and the whole amount of obligations about £11,000,000. Of these £2,400,000 represent a loan bearing interest at ten per cent., which will be extinguished in thirty years. Various obligations amount, with the interest,

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to £5,000,000; but they have to be paid within a short period, and this is the principal cause of the Viceroy's embarrassments at this moment.

"£3,600,000 are set down to engagements with the Suez Canal Company, for which 15,000,000 of francs of treasury bonds have been given; the rest is fortunately to be acquitted by graduated payments which terminate in the year 1874.

"But the main fact to consider is, that the annual expenses of the government may be satisfied with about £2,000,000. The rest remains at the Viceroy's disposal, and, consequently, after withdrawing all that he can personally require, upwards of £1,000,000 can be annually applied to the extinction of existing debts, and when the pressing portions of these debts are extinguished, to objects of public utility and improvement.

"I cannot but acknowledge that with the balance at his disposal, his Highness, Said Pacha, should not have got into difficulties. Nevertheless, taking things as they are, many states would be glad to be in no greater difficulties than he is at this moment."

The improvidence of the late Viceroy exemplified the singular opinion entertained by his distinguished father on the subject of political economy. In Sir John Bowring's report on Egypt, prepared by order of the English government in the year 1839, the writer says of Mehemet Ali:

"He once said to me, 'I have desired Hekekyan (Bey) to prepare for me an account of the exports and imports of the United States of America. They send away more of their goods than they take from others, so their trade must be profitable.' I endeavored to show him that if the trade was profitable, the amount of imports must be more than that of exports, the balance being the profit; but that in all statements of imports, bullion and smuggled goods escaped the notice in the official tables. He inquired what was the rate of interest in the United States. 'Is it not a pity they have no national debt?' he said, 'for a national debt helps to develop the resources of a nation. It is a good thing to have a national debt.' I answered him that we would willingly give him a portion of ours."

If Mehemet Ali had lived until this day he would have ceased to commiserate us for the want of a national debt.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM S. THAYER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Thayer.

No. 18.] DEPARTMENT OF STATE,
February 19, 1863.

SIR: Your despatch of January 18 (No. 27) has been received. The vigilance and diligence which you exercised on the important occasion there referred to are appreciated. The subject involved in the proceedings which occurred on this occasion will receive due consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. THAYER, Esq., *&c., &c., &c., Alexandria.*

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Mr. Seward to Mr. Thayer.

No. 19.] DEPARTMENT OF STATE,
Washington, March 6, 1863.

SIR: Your despatch of the 27th of January (No. 28) has been received. In addition to further reports concerning the recent transportation by the Emperor of the French of blacks from Egypt for military service in Mexico, it contains an interesting account of the new Viceroy's reception of the consular corps at Cairo, and of the energetic measures with which he has begun his administration, together with a just and discriminating tribute to the public character of his predecessor Mohammed Said Pacha.

His Highness Ismail Pacha, whose enlightened policy, as already indicated by the measures to which you refer, affords a favorable augury for the future, has the best wishes of the government and people of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. THAYER, Esq., *&c., &c., Alexandria.*

Mr. Seward to Mr. Thayer.

No. 20.] DEPARTMENT OF STATE,
Washington, March 23, 1863.

SIR: Your very interesting despatch of the 17th ultimo (No. 30) has been received.

The reception by the Viceroy of a deputation of American clergymen and missionaries, of which your despatch contains an account, has given much satisfaction to the President, and you are instructed to make this known to his Highness on some suitable occasion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. THAYER, Esq., *&c., &c., &c., Alexandria.*

Mr. Thayer to Mr. Seward.

No. 32.] UNITED STATES CONSULATE GENERAL,
Alexandria, April 18, 1863.

SIR: Abdul Aziz, Sultan of Turkey, yesterday afternoon left this port, having made a sojourn in Egypt of eleven days.

From the conquest until now, a period of nearly three centuries and a half, no Sultan has visited Egypt. On the 13th of April, in the year 1517, Selim the First gained the battle at Cairo, which resulted in the death of the Soldan Touman Bey, last national sovereign of the country. Since then it has been an important though almost independent province of the Ottoman empire.

For many years superstition or etiquette has required the Sultan never to leave Constantinople. Abdul Aziz, however, is endowed with an activity of mind which has broken through this restriction, and hence this voyage which is to include a visit to other parts of his dominions. He is determined to know something personally of the regions he governs, and does not like to be the puppet of ministers and European advisers. According to the statements of those who are intimate with him, he is deeply sensible of his defects of educa-

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tion, which certainly must seem in striking contrast with the more European training of the ruling family in Egypt. He is reported to say, "I have been brought up among eunuchs and women; what can I know of my kingdom? Give me men to serve me who can lead me right."

His Majesty's fleet of five steamers arrived in the evening of the 6th instant. A hundred and one guns were fired to welcome his coming, and the palaces of the government were most sumptuously fitted up for the reception of himself and suite. Magnificent illuminations by the government and by private citizens were made. The Viceroy alone expended in illuminating Alexandria and Cairo, on the entrance of the Sultan, not less than $100,000.

On the morning of the 8th instant the consular corps were received by his Majesty at the Bas-el-Tine palace, in Alexandria, with a very imposing military show. As they were ranged in the hall of reception, Kamil Bey, the chamberlain, first entered, then Fuad Pacha, minister of war, then Halem Pacha, uncle of the Viceroy, and then the Viceroy himself. All of them were attired in gorgeous uniforms.

Finally, the Sultan entered, a man of apparently thirty-five, of medium size, simply clad in black, his dress consisting of a loose sack coat, and trowsers of European pattern, wearing nothing peculiarly oriental except the ordinary red tarbouck on his head, the sabre of honor, and on his breast a massive and brilliant decoration of diamonds. On the little finger of his right hand sparkled a very large ruby, a favorite stone with the Turks.

His Majesty's features are sharp, nose prominent and aquiline, and the lower part of his face covered with a well-trimmed black beard. His eyes are large, dark and restless, playing about like lightning everywhere but on the countenances of those who are before him. This is a part of the Sublime Porte etiquette; and when the Viceroy presented each of the consuls general, the august sovereign, while making the slightest possible inclination of his body, kept his glances either directly over the heads of his new acquaintances, or else turned them sideways towards a corner of the ceiling. In like manner, when driving in his carriage through the streets, he apparently takes no notice of the crowds who are gazing on him.

After the formal presentation, the Russian consul general, as dean of the consular corps, pronounced a short address of congratulation, which was translated to the Sultan in Turkish by Fuad Pacha. His Majesty not being able to speak any but his native tongue, or perhaps following official etiquette, replied as follows, through the medium of the interpreter:

"I feel a lively satisfaction in seeing assembled about me the honorable agents of the friendly and allied powers. I have come to Egypt for the sole purpose of giving to the Viceroy a new proof of my good will and of my special affection, and of seeing this so important part of my empire. All my efforts to look to the development of the happiness and well-being of all classes of my subjects throughout my dominions, and to the strengthening of the ties which unite us to Europe. I have also the conviction that the Viceroy marches equally in the same direction, and that, following in the footsteps of that illustrious man of our nation, his grandfather, he will be able to maintain and perfect his work."

His Majesty then walked out of the room, followed by the Viceroy, who soon returned and had a less stately interview with the consular corps. On several occasions the Sultan rode around the public square, the streets between the sidewalks being entirely cleared. He sat alone in an open carriage drawn by four horses, and escorted by his excellently mounted guard of a hundred spahis or zouaves and the Viceroy's chain-armored cavalry. Next in order were carriages containing the chief eunuch, a black man in charge of his Majesty's two little sons, the late Sultan's three sons, one of whom, by the rule of succession, is heir apparent to the throne, and the ministers and pachas of

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Egypt and Turkey, the whole closing with a cavalcade of soldiers and policemen.

For some reason which has not been officially explained, the Arab women and children were forbidden, by proclamation made by public criers, to appear in the street when the Sultan came out, under penalty of imprisonment and hard labor. It is said that in this country the women are more out-spoken and noisy than the men, and that they are the only people who loudly criticise political affairs. His Majesty, in part, atoned for this treatment of females by presenting the mother of the Viceroy with the decoration of the Order of Osmanieh—an honor seldom, if ever, accorded to a woman.

While in Cairo the Sultan occupied the citadel, the Shauba palace and gardens of Halem Pacha being placed at the disposal of his ministers. During a hot hampseen wind he passed a day at the pyramids of Gizeh, not ascending, but walking and riding on horseback around them, and examining the Sphynx and the ancient tombs in their neighborhood. He also visited Suez, where he could cross the Red sea to the desert of Arabia. Wherever he went, his curiosity was awake and fully exercised, as if this were his first experience of the outer world. The contrast of such energy with the languid indifference of his predecessor is a subject of common remark.

The Sultan on his departure carried off two steamers loaded with varieties of Egyptian animals, useful or curious, such as cows, sheep, four-horned goats, giraffes, gazelles, foxes, monkeys, flamingoes, and paroquets. He also exported eighty *saises* or Egyptian grooms, men who run like winged Mercuries before the carriages of their masters, and whose picturesque attire and graceful swiftness form a noticeable feature in the street life of Cairo.

Not long before going away his Majesty took from his breast the decoration of the Osmanieh and gave it, with the sabre of honor, to the Viceroy in token of his special appreciation. His visit has produced a highly favorable effect among all classes. Comporting himself with the courteous discretion of a well-bred guest, he has respected the sensibilities of his host, the hereditary ruler of the country, and sedulously avoided any needless assumption of official superiority. It is believed that his inspection of the achievements of the progressive wisdom of modern Egypt, with which he has expressed great satisfaction, will result in improving the administration of the entire Ottoman empire.

During his sojourn, Abdul Aziz afforded a signal proof of liberality in bestowing honorary decorations on each of the chief dignitaries, not only of the Mohammedan faith, but of the various Christian sects in Egypt. He has also distributed thirty thousand dollars in gifts among the hospitals established here by European Christians.

I am, sir, very respectfully, your obedient servant,

WILLIAM S. THAYER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Thayer to Mr. Seward.

No. 33.] UNITED STATES CONSULATE GENERAL,
Alexandria, April 31, 1863.

SIR: Two important conventions have lately been made between the Viceroy and the Suez Canal Company, insuring the continued support of the Egyptian government to the enterprise of establishing a navigable canal between the Mediterranean and the Red sea.

By one of them—that dated March 18, 1863—the Viceroy agrees to build, at his own expense, a portion of the company's fresh-water canal, commencing

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on the Nile, at or near Cairo, and forming a junction with the rest of that canal at what is called Wady Toumilat, a distance of fifty miles. This canal will be twenty-five metres (over eighty-one feet) wide on the surface line, and even at the lowest mile, two metres (over six and a half feet) deep, so as to serve equally for alimentation and for purposes of irrigating and navigation. By the map which I send, (marked A,) the proposed line from Cairo is traced in ink. The remainder of this fresh-water canal, in the direction of Suez, is almost completed, and, it is expected, will be quite so by the coming June. I have referred to this subject in my despatches Nos. 24 and 31.

It was found that the ancient canal of Moses, of which the company's fresh-water canal is at present a continuation, could not furnish an adequate supply for the company, hence the necessity of taking water from the highest level of Cairo.

By former conventions the company were entitled to all unoccupied lands and to such private estates as they might think necessary to purchase along the line of their works. To avoid possible difficulties in the *expropriation* of such lands bordering on the proposed section, the company has agreed to surrender this privilege from Cairo to the Wady, and, in return, the Viceroy undertakes to build it for them, following, in all respects, the plans of their engineers, and putting it, when finished, under their control. Such an arrangement also answers the objection said to be raised by the Porte, at the instigation of England, to the further concession of territory for French colonization.

The other convention—bearing date 20th March, 1863—recognizes, as obligatory, the debt to the company, contracted by the late Said Pacha, the balance of which, amounting to over $7,000,000, (35,150,977 francs,) the government agrees to discharge, commencing 1st January, 1864, by a regular monthly instalment of $300,000, (1,500,000 francs.)

This settlement is reported to have greatly surprised the English foreign office, whose spokesmen in Parliament and elsewhere have perseveringly asserted that the Suez company shares (177,642, of 300 francs each) taken by the late Viceroy were entirely *personal*, and not government liabilities, and, therefore, that his successor could not consider himself bound by them. It is stated that two days after the conclusion of the two conventions a message came from the Porte, where English influence is paramount, asking that the negotiations should be suspended for further discussion; but it came too late, and the agreement cannot be broken without danger of complications with France, which has instructed its representatives here to sustain the interests of French subjects in the canal. The progress of the enterprise, therefore, may be regarded as assured.

The position of France is understood to be this: "We do not claim the right to cut a canal in the dominions of a foreign power; but the Suez canal is a work of the Egyptian government. Under the encouragement of that government French capitalists have largely invested in it; we therefore shall insist that their interests do not suffer, and that engagements made with them be fulfilled." Of course, this being so, if the present Viceroy were to stop the work, the claims for indemnity which might be enforced by imperial authority would involve infinitely more of expense and vexation than would result from its continuance. He has, therefore, it is believed, adopted the wiser as well as the more economical policy.

It is probable that the Porte takes but little interest in the subject. The most plausible objection on its part seems to be the formidable barrier which a wide maritime canal interposes between Syria and Egypt, cutting off, in fact, all land communication with its powerful dependency. This, in case of a revolt, would prove an inconvenience. But it might be answered that the ties which unite Egypt to Turkey can only be maintained by the acquiescence of the Viceroy, and by the compulsion of European governments.

Again, the establishment of an international canal ought rather to preserve

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than endanger the integrity of the Ottoman empire, by making it an object with the maritime powers that the control of such an important channel of commerce should not become the exclusive possession of any one of them.

* * * * * * * *

Another testimony to the practicability of the Suez maritime canal has lately been given by Mr. Hawkshaw, president of the London Society of Engineers. Towards the end of the last year this gentleman, who is, perhaps, the most eminent hydraulic engineer of Great Britain, was engaged by the late Viceroy to come from England and report impartially on the question of the canal. He accordingly made a long and laborious investigation along the line of the works on the isthmus, and has prepared a very elaborate report, which will soon be published. In this report he arrives at two conclusions, viz:

1st. There is nothing in the work to be done which presents any extraordinary difficulty in execution, and no probability of any circumstance which will produce difficulties that an able engineer could not surmount.

2d. That no difficulties will be encountered to hinder the easy and effective maintenance of the work when it shall have been achieved; and that to keep it in good and working order, there will be no necessity of incurring any extraordinary or disproportionate annual expense. It is supposed that Mr. Hawkshaw's report will dissipate the notion of the impracticability of the canal—a notion founded on the opinion of Mr. Robert Stephenson, who had never seen the isthmus, and who, though eminent in railway enterprises, was, unlike Mr. Hawkshaw, no authority in regard to canals and hydraulic engineering.

I have the honor to be, sir, respectfully, your obedient servant,

WILLIAM S. THAYER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Thayer to Mr. Seward.

No. 34.] UNITED STATES CONSULATE GENERAL,
Alexandria, May 8, 1863.

SIR: Letters from Khartoum (of April 2) mention the arrival from the upper country of Captains Speke and Grant, the Englishmen who, about two years ago, set out on an expedition to discover the sources of the Nile, which it is gratifying to learn have at last been found.

Captain Speke is expected to arrive at Alexandria in a few days. The explorers started from Zanzibar, on the west coast of Africa, and, proceeding westwardly on the line of five degrees south latitude, came upon a very large lake, which they circumnavigated, and from which, it seems, the White Nile takes its rise. To this lake (which is entirely distinct from the neighboring lake, Nyanzi, already discovered) Captain Speke gave the name of Victoria. Coming down the river, he arrived about the 1st day of April at Khartoum, his party having been reduced by desertions, hostile attacks of the natives, and disease, from seventy to seventeen. It is said he reports wonderful stories of the ivory and other resources of the countries he has visited.

News comes, also, of the safety of Mr. Petherick, the English explorer, who, in the summer of 1861, went up the Nile to meet and carry assistance to Captain Speke's party on their voyage home. Mr. Petherick, who was sent by the Royal Geographical Society principally to establish a grain supply for the expedition at Gondokora, (a place a little less than five degrees north of the equator,) had been reported to be drowned, with all his companions; but this welcome intelligence shows that he has been able to fulfil the purpose of his voyage.

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Meanwhile Mr. Baker, an Englishman, is said to have left Khartoum, on an expedition of eighteen months, to explore the newly discovered lake.

It thus appears that the source of the Nile, the problem which has puzzled mankind from the earliest antiquity, has been found at a distance of over 2,500 miles from its mouth.

The English government and the Porte have lately interested themselves in regard to the Suez canal, which the former, in consequence, it is believed, of Sir Henry Bulwer's late visit here, begins to see is really in danger of being successfully completed. The Porte objects to two things: First, to the system of forced labor; and secondly, to the surrender of lands along the bank of the canal to the company.

It says to the Viceroy, if you will abolish forced labor, we will co-operate with you in trying to complete the work, which we admit to be a work of necessity and importance to the Ottoman empire. If you will annul the concession of lands, we are willing that you should make good to the company their value in money, or some other form, although that concession was unauthorized by the Porte and ought not to have been made. We consider that such a concession involves the risk of French colonization, and the virtual establishment of an *imperium in imperio*. For, according to the capitulation, foreigners, settling in Ottoman territories, are exempt from local jurisdiction, and are subject solely to their own government.

To this Mr. de Lesseps, president of the company, replies by two notes, in one of which, (herewith sent, marked A,) dated April 14, 1863, he argues at length that the labor of the canal is not *forced*, in the offensive sense of the term. The Egyptian government, he says, furnishes laborers according to the plan of compulsion employed in public works and canals since the earliest times, and without which Egypt would be a desert; but the rigors of the system are mitigated by kind treatment, the short period of toil, viz., (twenty-five days for each man,) and by a sure reward, at least equal to the average wages of laborers throughout Egypt.

As for the question of surrendering lands granted by the Viceroy, he says it has been done already on the fresh-water canal from Cairo to the Wady, and that a further surrender would injure the interests of the company and of the public generally. He refers also to the appropriation of public lands in the United States to companies, in order to enable them to complete important public works, and where, as in this case, the possession is given without carrying with it the right of sovereignty.

The company, he avers, does not ask sovereignty, and all its colonies will be under local jurisdiction. He then renews the proposition formerly made to guarantee to all nations in the most conclusive manner the neutrality of the canal. These propositions are given in another note to the Porte, also dated April 14, of which I transmit a copy, (marked B.)

No final action has been taken on the demands of the Porte, and the works on the canal go on as usual. But the Viceroy is occupying himself with the warm question of effecting an arrangement with the company, which will, without impairing its interests, remove the objections of the Sultan. Although there are difficulties in the way of a solution, yet there is no doubt that, in any case, the labors on the canal will continue uninterrupted.

The Sultan and Viceroy are warm supporters of the enterprise, and the only opposition it experiences relates not to the work itself, but to collateral questions of management and detail.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM S. THAYER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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A.

[Translation.]

Note upon the contingent of laborers on the works of the Suez Canal Company.

CAIRO, *April* 14, 1863.

The fertility of the soil depends in Egypt on a single fact, the existence of the Nile, whose annual floods come to refresh and fertilize the soil. Deprived of irrigation, Egypt would be nothing but a desert. It exists only by the force of the phenomenon of periodic floods, whose return is, happily, as regular as the revolution of the planets.

But the river does not itself extend its bounties beyond its shores. Hence the necessity of recourse to artificial means to manage and direct the waters in such manner as to spread them over the most distant parts of the territory; hence the need of a vast system of canalization and of embankments and dykes, the upholding of which may not be neglected a single day, without exposing part of the country to barrenness and ruin.

But it may be assumed as certain that these tracts of land requiring general and continuous attention, as well as great executive means and considerable outlay, would never be reclaimed if they were abandoned to the carelessness of individuals whose resources are, besides, too limited to suffice for the attainment of the end.

It pertains to the local administration to provide for this, and that cannot provide for it unless by temporary drafts of young laborers, who thus discharge their personal obligations to the country.

Placed on the confines of Africa and Asia, washed on one side by the Red sea, on the other by the Mediterranean, Egypt is the shortest and most direct route between the western and eastern world—the central point of the vast relations which at this day connect Europe and America with oriental Africa, the Indies, China, Oceanica.

The Egyptian government, struck with the benefits which would spread over its own territory, could it any longer delay to open to the advantage of all nations the great channel of communication which secures its moral existence just as the upholding of its inland canalization assures its material existence? Could it avoid supplying the contingents of workmen necessary to the completion of these indispensable works of public usefulness?

Its right had not been disputed by England, and it had been very severely tested at the solicitation and to the satisfaction of British agents on the work of the railroad from Alexandria to Suez, where, on the section from Cairo to Suez, especially, it may be said the rails are laid on thousands of Egyptian skeletons.

But the Egyptian government understood that the immemorial right of drafting laborers for works of public benefit must be enforced on humane conditions; and that in place of being a gratuitous duty—that is, a toll which is still levied in many European countries—it should be a source of gain to its people.

The Suez Canal Company has had the honor, *by paying* their laborers, by watching over their health and welfare, of inaugurating the new system of the *abolition of compelled labor*, which his Highness Ismail Pacha declared he would extend thenceforward to all other works in Egypt. In fact, there will be no more compelled labor, from the day when labor is everywhere justly recompensed, as it now is on the isthmus.

The convention made on this head with the Egyptian government is dated July 20, 1856, and is thus expressed:

We, Mahommed Said, Viceroy of Egypt, desiring to assure the completion of the works of the Suez canal, to provide for the good treatment of the Egyptian laborers who will be employed there, and, at the same time, to watch over the interests of the farmers, owners, and contractors of the country, have established, in concert with Mr. Ferdinand de Lesseps, as president, founder of the Universal Company of the Suez Canal, the following regulations:

ARTICLE 1. The laborers who shall be employed on the company's works shall be supplied by the Egyptian government on the application of the engineers-in-chief, according to their need.

ART. 2. The pay granted to the workmen shall be fixed, according to the average price paid on the works of private persons, at the sum of three piasters a day, not including the rations, which shall be furnished by the company to the value of one piaster. In cases where it is sure that the laborers who ask it are able to provide themselves, the ration shall be given to them in money. The duty of supplying potable water, in abundance, for all the wants of the laborers, shall be at the charge of the company.

ART. 3. The number of laborers employed shall be determined by taking into consideration the periods of agricultural labor.

According to this convention the laborers employed by the company must earn at the rate of four piasters a day—120 piasters—say twenty francs for thirty days' labor.

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At this time, and in the ordinary condition of the ground, the contingents of laborers are paid at the rate of forty centimes the metre cubic. When they receive forty centimes, they do in twenty to twenty-five days, at most, a stint of sixty cubic metres, which gives them one hundred and twenty piasters, or twenty francs.

On difficult ground the cubic metre is paid for at seventy centimes, but then the stint is reduced. In this case the laborer does not earn less than twenty francs. It sometimes happens that they earn thirty, and even forty.

As to good treatment, of which they are the objects, it has become publicly notorious. The number of sick is insignificant, and the mortality is less among the contingents of the isthmus than in the most salubrious villages in Egypt.

FERD. DE LESSEPS.

B.

Translation of concession of uncultivated lands on the isthmus to the Suez Canal Company.

By the terms of concession, dated January 5, 1855:

ARTICLE 4. The canal for irrigation, appropriated to fluvial navigation, under the conditions of the programme of the international scientific commission, will have its origin in the proximity of the city of Cairo, will follow the valley (Onady) Toumilat, and will empty into Lake Tomsah.

ART. 5. The branches of the said canal, which shall be detached from it, shall empty into Lake Tomsah; from this point they shall be turned, on one side in the direction of Suez, on the other, to that of Pelusium, parallel with the great maritime canal.

ART. 10. For the construction of the canals and dependencies mentioned in the preceding articles, the Egyptian government abandons to the company without any impost or return the enjoyment of all the lands which do not belong to individuals which shall be necessary.

It likewise abandons to it the enjoyment of all the land at present uncultivated, and not belonging to individuals, which shall be irrigated and placed under cultivation by its care and at its expense, with this difference: 1st. That the lands comprised in this last category shall be exempt from any impost during ten years only from the date of putting them in condition. 2d. That after this term they shall be subject during the rest of the concession to the obligations and imposts to which, under similar circumstances, lands in other provinces of Egypt shall be subjected. 3d. That the company shall after that, of itself, or through those having right, hold the enjoyment of these lands, and of the drains of water necessary for their fertilization, at the charge of paying to the Egyptian government the imposts established on the lands in like condition.

After the act of concession, the Suez Canal Company retroceded to the Egyptian government its rights and obligations on the taking of water from the fresh-water canal at Cairo, and all that part comprised between Cairo and the Wady Toumilat; but the convention which regulates this retrocession especially confirms the rights and obligations of the company over the other sections of the canal of fresh water, and over the lands which will depend upon it. The company has accorded all that it could accord without injury to the interest confided to it, and the purpose of general advantage which it proposes to attain.

If the governments see fit to notice it, it renews the propositions which its president and founder made in 1860, during his sojourn at Constantinople, to the Ottoman government and the representatives of the great maritime powers.

1st. The complete neutrality of the great maritime canal from Suez to Port Said, and freedom of passage, at all times, even during war, should be proclaimed to general commerce of whatever nationality, in consideration of the payment of duties which should be alike for all. This neutrality is already consecrated in principle, in article 14 of the act of concession granted by the Viceroy of Egypt, but that act, binding only on the Viceroy and the company, it will be necessary to make it the subject of agreement between all the powers.

2d. Passage through the Suez canal shall be interdicted to vessels-of-war, unless by special authorization from the local government.

3d. The company shall be especially interdicted from erecting any work of defence, or any fortification, either at the entrance, or along the banks of the canal, or on the lands, the use and enjoyment of which it may possess on the isthmus; nor can it found colonies of cultivators who shall not be subject to the local government.

4th. Vessels passing through the canal cannot land troops on the isthmus, unless in cases of sickness, of injuries and mishaps, and on this hypothesis, it shall be necessary to obtain the authorization by the Viceroy, an authorization which shall, besides, be limited by the fortuitous circumstances which we have just indicated.

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(England is the country which this regulation more particularly interests, as it is she that would most often have to claim its benefit.)

5th. The lands granted to the company cannot be utilized under the authority of the local government, unless in view of agricultural improvements; and if it should happen that the company should strengthen or aliene all or portions of its lands, it shall be held to do so in the point of view exclusively of financial interests, without exception of persons or distinctions of nationality.

In America land is used to pay the cost of vast public works. The grants of land, granted with the right of enjoyment, and not with the right of sovereignty, (which is quite another thing,) is a necessary complement of the grant, and gives to parties concerned a guarantee for profits The use of these lands being well defined, their possession by the company will cause no umbrage to any one, whilst it will be a new source of prosperity to Egypt, and of production to the government treasury.

In 1855 the Porte caused to be written to the Viceroy of Egypt, through Kiamil Pacha, at the solicitation of the English ambassador, to ask if the grant of lands to the company was not contrary to ancient usages, and to the principles settled by Mehemet Ali.

His Highness, Mohammed Said, replied:

"The concessions of lands made to the canal company in districts to this time uncultivated, and destined to be fertilized by an inland canal drawn from the Nile, will be an advantage to Egypt, whose government should look to the increase of its prosperity and revenues; if a like example could be pursued in other provinces of the empire, where maladministration, as well as prejudices destined to disappear, have impoverished both the people and the country, it would be needful, instead of creating obstacles, to favor those who would offer in exchange for sterile and unproductive lands to pay the usual impost, and, besides, abandon to the treasury a part of their profits.

"There is, however, nothing contrary to precedents nor to existing usages in a grant of uncultivated lands made to an anonymous *Egyptian* company, whose social establishment is at Alexandria, formed, as has been said, by capitalists of every country, who consequently will not bring with them the characteristics of any particular nationality.

"The Mohammedan law says, positively, 'he who makes an unproductive tract of land productive shall have the use of it so long as he pays the taxes.'

"In what touches Mehemet Ali, he has not only allowed the benefit of this law to natives, but has extended its advantages to all foreigners who have asked him for lands that were disposable. About 1843, especially, he distributed as well to English as to other foreigners around Alexandria, and on the banks of the Mahmoudie canal up to the desert, more than 30,000 foddams of land.

"It is in great part to this measure that the enormous increase in the prosperity of Alexandria is owing; that city, which scarcely reckoned 40,000 people in 1835, at this time counts more than 120,000."

This reply was published in 1860, at Constantinople; the explanations given by the Viceroy were regarded as satisfactory. Kiamil Pacha, as well as other functionaries, were much blamed for the manner in which they had sought, through their private correspondence, to turn the Viceroy from his object.

FERD. DE LESSEPS.

CAIRO, *April* 14, 1863.

[Translation.]

MR. L'AMBASSADEUR: You will remark, on reading article No. 1, which follows, that some years ago the Sublime Porte was seized with the question of the canal of Suez, reserving to itself to set the conditions on the other parts of the project of the contract which was submitted to it, and declared that it desired to see a previous understanding established between the two greatest maritime powers on the exterior guarantees which the opening of this important way demanded.

Until now this understanding has not taken place, and the new governor general of Egypt, his Highness Ismail Pacha, having addressed to the government of his Imperial Majesty the Sultan the official demand by letter to the Grand Visir, of which you will find a copy annexed, marked No. 2, to regularise the position in this regard, and to give him clear and precise instructions as to what he should do and say, we found it our duty to make him know all the conditions to which the authorization of the Sublime Porte has always been subordinate, conditions which, by the order of our august master, we submit to the equitable and friendly appreciation of the august allies of his Imperial Majesty.

We thought it still more our duty to express ourselves without further delay, as we have the regret to see the works advance more and more without the previous resolution of im-

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portant questions which are connected with it. It has become necessary for us, in consideration of the interests of the empire, to state frankly that it will be required to have the authorization of the sovereign of the country before this work can become realizable.

It does not enter into the thought of the Porte to desire to prevent the realization of a project which could be of general utility, but it cannot consent to it, 1st, without having the certainty of having international stipulations which would guarantee complete neutrality, as that of the Dardanelles and of the Bosphorus; 2d, only with conditions of a nature to protect and to insure the important interests which it is called to protect.

Now the actual project does not offer any of these indispensable guarantees.

Since its origin there are two facts, above all others, which have drawn our most serious attention, as follows: 1st Notwithstanding the abolition of forced labor, and the last decree of the Viceroy, establishing the same prohibition, the prefatory work is entirely effected by this system. The Egyptian administration forces twenty thousand men to abandon their families and pursuits to labor on the canal. These people are obliged to return to their homes at their own expense, and the greater part thereof have a long distance to go, without considering the loss they experience at the forced abandonment of their interests. The number of hands thus taken away from industry, agriculture, and commerce, does not limit itself solely to the twenty thousand. Whilst 20,000 are at work, 40,000 are on the route, or engaged in preparing to go there; so that 60,000 are continually removed from their firesides and occupations

I think it superfluous to enlarge on the disastrous effects of such a system. It is very striking. The Sublime Porte sees the impossibility of sanctioning the practice of such a measure in Egypt, when it does not permit it in the other portions of the empire.

The second of these two facts, and which I express with more force, is the concession to the company of fresh-water canals the entire territory which surrounds them. According to the terms of the contract, wherever the canals in question would extend, the company would have the right to claim as its property the territory on its banks. In this manner the cities of Suez, Timsah, Port Said, and all the frontier of Syria, would naturally pass into the hands of an anonymous company, composed in a great measure of strangers, submissive to the jurisdiction of their respective countries. It then would be optional with the company to create at important points in the territory of the Ottoman empire colonies almost independent of that empire.

We do not think there exists a government which has some sense of independence and its duties which could subscribe to a transaction of this nature.

Consequently, the Sublime Porte would fail in all its duties, and lose the esteem of all its friends, and would permit a state of affairs to be established destined to lead to continual conflicts, did it not declare that that clause would never be sanctioned by it.

In recapitulation, the consent of the Sublime Porte is, and should be, indissolubly united to the previous solution of these questions following, to wit: the stipulation of the neutrality of the canal, the abolition of forced labor, the relinquishment by the company of the clause which concerns fresh-water canals, and the concession of surrounding territory. Once these three points decided, the government of his Majesty the Sultan, in union with his Highness Ismail Pacha, will hasten to take into serious consideration each of the other articles of the project of the contract.

As to the whole of the question, it only exists in a state of projection. You are aware is has never been approved by the Sublime Porte The company itself cannot say it ignored the necessity to obtain the previous sanction of the Sublime Porte, since that article figures in the project of the contract as one of the fundamental conditions of its award It is further known later, when M de Lesseps asked new favors of the deceased Viceroy for the company, he engaged by contract to obtain this franchise in a term of 18 months, an engagement which has never been fulfilled.

Now the Sublime Porte addresses itself particularly, and with the greatest confidence, to its two most sincere allies, to ask them what they would have done in a similar circumstance.

Shall we permit an anonymous society to establish itself on the territory of the empire, and there to arrogate to itself rights which the Sublime Porte could not recognize, as a sequel of a promised concession of the high personage who governs that territory, under the sovereignty of the Sultan, on the express condition of obtaining the confirmation of the territorial sovereign.

All that remains for us to do to give a renewed proof of the good will with which our august master is animated is, to repeat once more that, notwithstanding the infractions we have to complain of, when once the inadmissible clauses which I have pointed out preceding, shall have been withdrawn, we will be ready to examine the other dispositions of the contract without the least prejudice. According to the strictest equity, the company will not have the right to say that it has already incurred expense.

It knew that one of the principal conditions of the contract not being filled, it incurred

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those expenses at its own risk and peril. Notwithstanding the Sublime Porte is disposed to take into consideration private interests which find themselves engaged in this enterprise, and will endeavor, in conjunction with his Highness Ismail Pacha, to combine the necessary means to return the money which the company has expended, in case it does not desire to continue the work without the advantages which cannot be conceded to it, then the said company should naturally cede the work it has already commenced, and all the territory it considers as its property.

We should also, in the hypothesis foreseen above, when the company would renounce the prosecution of the projected work, the Sublime Porte, sincerely desirous of doing all in its power which depends on it to facilitate the communications, and always in concert with the Viceroy, would adopt the most proper measures to realize the execution.

We are certain, M. l'Ambassadeur, that the frank and loyal explanations which precede will not fail to meet the entire approbation of the cabinet of his Majesty the Emperor; consequently I wrote you to read this despatch to the minister of foreign affairs, and to leave him a copy.

Accept, &c., &c.,

ALI.

Mr. Seward to Mr. Thayer.

No. 21.] DEPARTMENT OF STATE,
Washington, May 18, 1863.

SIR: Your despatch of the 18th ultimo (No. 32) has been received. The particulars it communicates concerning the Sultan of Turkey's late visit to Egypt are very interesting, and it is gratifying to learn that his Majesty's brief sojourn there was marked by so much cordial good feeling among all classes.

The desire to judge for himself of the actual condition of a portion of his empire, which prompted the Sultan's journey, is another indication of that active spirit of reform which was manifested by him immediately upon his accession to the sultanship.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. THAYER, Esq., *&c., &c., &c., Alexandria.*

Mr. Seward to Mr. Thayer.

No. 22.] DEPARTMENT OF STATE,
Washington, May 19, 1863.

SIR: Your despatch of the 30th of April (No 33) has been received. It is accompanied by a map of the isthmus of Suez and by copies of two conventions lately concluded between the Viceroy and the Suez Canal Company, insuring the continued support of the Egyptian government to the enterprise of establishing a navigable canal between the Mediterranean and the Red sea.

The Viceroy has exhibited commendable liberality with regard to the progress of this important undertaking, and it is a matter of congratulation to his government that so high an authority as the president of the London Society of Engineers has borne testimony to the practicability of the proposed canal.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. THAYER, Esq., *&c., &c., &c., Alexandria.*

Mr. Thayer to Mr. Seward.

No. 35.] UNITED STATES CONSULATE GENERAL,
Alexandria, June 9, 1863.

SIR: Messrs Speke and Grant arrived at Alexandria last week, and on the 4th instant left here for England. The report of their discovery of the sources

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of the Nile is confirmed, substantially, as given in my last despatch. The only modification to be made in my former statement is, that Nyanza (called by the explorers *Victoria Nyanza*) is the principal source of the Nile, and that the name of the other lake, which they have lately discovered is Nzigé, through which body of water the Nile in its course from Nyanza passes. Nyanza had been discovered by Speke on his former expedition, but it was not until the present voyage that it was fully ascertained to be the origin of the White Nile. Lake Nyanza may be found on the map of Africa contained in the atlas of Alexander Keith Johnson, the edition of 1861.

The Viceroy, immediately on hearing by telegraph of the arrival of the travellers at Assonan, sent up the river a government steamer which brought them here. On reaching Alexandria they were presented to his Highness, who treated them with special honor.

Messieurs Speke and Grant left Zanzibar, on the east coast of Africa, on the 1st of October, 1860, and for about two years and a half, until reaching Khartoom, were deprived of all news from the civilized world. During that time they had not heard even a word of the American war. In consequence of hardships they have become old and much worn in appearance, especially Mr. Grant. Mr. Speke, however, contemplates organizing another expedition in England to revisit the region about the Lakes Nyanza and Nzigé. The latter is the lake (and not Nyanza) which Mr. Baker has gone to explore.

The report of the resources of the upper country has stimulated the formation of a company here with a capital of ten million dollars for the purpose of carrying our trade there, as well as in Egypt. Among other objects, it is proposed to advance money to the fellahs at reasonable rates of interest on the security of their forthcoming cotton and grain crops, &c., to import ivory, ostrich feathers, gums and cattle from the upper country. The trade in cattle is expected to be very profitable, as the cost in the interior is not more than five dollars for an animal that will sell here for from twenty to thirty times that amount. Of course, against these advantages are to be reckoned considerable losses of cattle, by disease, or other accident, during the long voyage down the Nile valley.

The cause of the high value of beeves is a sort of cholera which has recently proved very fatal to those of Lower Egypt, killing them, it is said, within three hours of the first attack. Efficient sanitary measures have been taken by the government board of health, and the malady is now happily diminishing. It is mentioned by Sir Gardner Winkinson that such epidemics are never known to attack the buffalo cattle of the country, on which account they are more highly prized by the fellahs than any other kind.

I have the honor to be, sir, your obedient servant,

WILLIAM S. THAYER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Thayer to Mr. Seward.

No. 36.] UNITED STATES CONSULATE GENERAL,
Alexandria, June 18, 1863.

SIR: The murrain among Egyptian cattle, which in my last I mentioned as subsiding, has taken a new start, and threatens to equal in violence that of the year 1847, which carried off almost the whole stock in the country. Even the new supplies which come from Upper Egypt, the Barbary coast, and Anatolia, in Asia Minor, soon fall victims to the disease. On some large estates all the animals employed in turning the water-wheels, and in other processes of

agriculture, have been destroyed. This is a serious injury to the growing cotton crops, requiring an immediate resort to horses and steam machinery. In fact, I am informed that the Viceroy intends imitating the successful experiments of his uncle, Halem Pacha, to order at once forty steam ploughs and steam pumps to supply a part of the necessities of his own plantation. The loss to Egypt from the murrain will, it is supposed, not fall short of $10,000,000, which will considerably reduce the profits expected from the present high prices of cotton.

At first it was hoped, by vigorous sanitary measures, such as prohibiting cattle fairs, and the removal of cattle from one village to another, and by burying the dead at once, entire, including skins, hoofs, and horns, to confine the pestilence to the west side of the Nile, where it commenced; but all hope of resistance failed a few days since when it crossed over to the Delta, where it soon destroyed 70 or 80 per cent. of the cattle on the estates on which it has appeared. In consequence of the panic thus occasioned, although all beef is slaughtered and brought to market under the surveillance of the government health officers, it has ceased to be a favorite article of food. My servant tells me this morning that none is to be had in the market.

The result of the diminution of cattle will doubtless be the importation of new stock, which is said to be worth about $250 a head; besides, as already mentioned, the extended use of steam machinery, such as steam ploughs and steam pumps, in agriculture. It requires, perhaps, one-third of the land to sustain the laborers and animals needed in cultivating it, and it is found on large estates more economical to use steam, especially when, as now, coal can be bought at $10 a ton, including original cost and expense of transportation from England. It seems to me that in the supply of machinery of this kind the manufacturers of the United States ought to be able to compete with England, which now almost monopolizes this branch of industry.

Prince Napoleon and the Princess Clotilde, who have been in Egypt during the last six weeks, left Alexandria on the 16th instant. In that period his Imperial Highness visited the works on the Suez canal, and travelled in a steamer up the Nile as far as Philae. Many and distinguished hospitalities were lavished upon him by the Viceroy and the French and Italian residents here. On the 14th instant he was present at a military review of 14,000 Egyptian troops on the plain of Toura, a village east of the Nile, about ten miles south of Cairo, on which occasion the consular corps were invited to attend. The Viceroy and the guests were in a tent on a hill overlooking the plain on which the troops were reviewed. Before us was the Nile. Beyond, the palm grove covering the buried ruins of Memphis, the Serapeum, with the vast and rock-hewn tombs of the sacred bulls, and further off, parallel with the Nile, the ancient pyramids of Girzeh, Abousia, and Sakkarah, standing against the yellow and sterile ridges of the Lybian hills. On the right was Cairo with its minarets, its tombs of the Caliphs, and Mamelukes, and other Saracenic memorials, all towered over by the citadel, and the imposing mosque of Mehmed Ali. Behind us, and at our left, were the limestone quarries of the Pharaohs, whence were drawn the innumerable blocks of which were built the pyramids. While immediately under the eye were the well-disciplined squadrons of cavalry, the artillery, and the flashing bayonets of the infantry of an army still attesting the organization and effective vitality of oriental power.

Just before the commencement of the review, which was very successfully executed, the Prince presented the Viceroy with the grand cordon of the legion of honor, and Halim Pacha with a similar testimony of imperial attention.

The party then adjourned to a dinner magnificently prepared in one of the Viceroy's steamers, which had been decorated for the occasion. About fifty were present, including the Viceroy and his chief officers, Prince Napoleon, and several of the consuls general. It was a very pleasant entertainment; but this is not the place to relate the proceedings. I trust, however, it will not be

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deemed improper to say that in the informal conversation of the Prince he showed himself as decided a friend to our government as he was during his visit to the United States, and expressed his confidence in its great and successful future. He recurred with great cordiality to the welcome he received among our people. I have seen few men abroad who are so friendly to our Union, and who have so just an appreciation of the merits of the struggle in which it is involved.

I have the honor to be, sir, your obedient servant,

WILLIAM S. THAYER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Thayer.

No. 24.] DEPARTMENT OF STATE,
Washington, July 17, 1863.

SIR: Your despatches to No. 36, of the 18th ultimo, inclusive, have been duly received, and have been read with much interest. The instructive report which forms the subject of your No. 31, on the present condition of cotton culture in Egypt, will be communicated to Congress early in the next session.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. THAYER, Esq., *&c., &c., &c., Alexandria.*

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MOROCCO.

Mr. McMath to Mr. Seward.

[Extracts.]

No. 9.] CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, April 12, 1863.

SIR: I have the honor to acknowledge the receipt of your circular letter dated the 9th of March last; also copy of "concurrent resolutions of Congress concerning foreign intervention in the existing rebellion," accompanying the same, which came to hand on the 10th instant.

I have taken the earliest opportunity to have an interview with the Moorish minister for foreign affairs upon the subject of foreign intervention, as set forth in the resolutions of Congress.

He informed my interpreter that he would receive me at his official residence on the 11th instant, at 12 m. At the appointed hour I called, and was very kindly received; and having my interpreter with me, I caused him to read to his excellency, in the Arabic language, the resolutions of Congress. After the reading and some verbal explanations by me, he stated (what he has frequently said to me before) that his Majesty's government had for a great many years been the sincere friend of the American nation, (the name by which the United States is called by the Moors;) that his Majesty regretted much the state of affairs in my country, but confidently hoped that in a short time we should be able to subdue the insurgents; that his feelings have been all the while with the federal government, and that he would do nothing in the least to aid or give countenance to the iusurgents. He also informed me that the policy of the nation, as embodied in the resolutions of Congress just read, had ever been the policy of his Majesty's government; and in the event of a rebellion in this empire, his Majesty would expect that our government, as well as others, would not in any way encourage the insurgents.

* * * * * * * * *

I also explained to him "that the resolutions were entirely in harmony with the principles and policy by which all the President's proceedings in regard to the question involved have been and will continue in every emergency to be regulated."

I also informed him that if he desired a copy of the resolutions in the Arabic tongue, I would furnish it. He replied that he did not, as the policy of my government and of his Majesty's government was the same, and was clearly understood by his Majesty and his ministers, and which policy would not be changed, as it was traditional and sanctified as the policy of the Sultans of this empire for many generations past.

I reassured him of the unfaltering purpose of the United States government to crush the rebellion at all hazards and at any cost, and stated its purpose to adopt whatever measures may be found necessary to accomplish that object. He replied that he hoped for a speedy termination of the rebellion, and had no doubt of the ability and strength of our government to conquer the insurgents.

Here our interview ended. I may have gone too much into detail, but I wish to show you the feelings of this government.

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Your circular letter No. 32, dated the 8th of February last, in duplicate, was also received on the 10th instant.

As there are no newspapers printed in this empire, I find it difficult to bring to public notice any information the department may wish to make known here. However, I will adopt the usual mode, by causing a synopsis of the facts contained in the circular to be written in Spanish and posted in the market place.

I herewith enclose an article from the "Gibraltar Chronicle." I am advised, on reliable authority from Casablanca, that no danger is to be apprehended from the Moors to the lives and property of Christians in that town.

The simple fact is, the Medioona tribe have refused to pay their annual tribute to the Sultan. He ordered his general to coerce them. They live outside the walls of the town, and are defying his authority. Hence the wool trade of the interior is diverted from that port to the port of Mozagow, about twenty miles further south; and the English merchants of Casablanca (wool dealers) seeing their "craft in danger," of course must interpose between the Sultan and his subjects. Up to the date of the letter referred to no one had been killed. "The field of battle *must have* presented a singular appearance," indeed. I make the above statements because it is probable the English press may enlarge upon what is presented, to show how powerful the English nation is in Morocco.

I have the honor to be, sir, your obedient servant,

JESSE H. McMATH.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

[From the Gibraltar Chronicle.]

GIBRALTAR, *April* 10.

We have been favored with the perusal of a very interesting private letter from Dar-el-Baida (Casablanca) of the 2d April, which enables us to lay before our readers a more circumstantial account than we gave the other day of the events that are taking place in the vicinity of that town, and occasioning much anxiety to its European inhabitants.

In the hostilities that have been for some time carried on between the tribes, there are ranged on one side the three tribes of Zeeyda, Tenata, and Woldsian, and on the other the tribe Medioona. The three first-named tribes are under the orders of Benniasheesh. One account says that the cause of hostilities was the refusal of the Medioona tribe to pay the heavy contribution imposed on them by the Sultan. Whether this was so, or whether the fighting originated in a private quarrel amongst the tribes, it is certain that now the Medioonese are treated as enemies in revolt against the Sultan's authority, and the three tribes fighting against them have the Sultan's warrant for their act, his officer, Boabeeb Sherghee, who was sent down to arrange the matter, being in the camp and acting in concert with the united tribes under Benniasheesh. To understand the position of the inhabitants of Dar-el-Baida, it must be mentioned that the Medioona tribe, being in the immediate vicinity of the town, has furnished the chief portion of its Moorish inhabitants. The sympathies of these are naturally strongly excited in behalf of their tribe, which has been maintaining a contest against odds, and has been driven under the very walls of the town. On the 28th of March a contest took place just outside the walls. The movements on both sides could be seen from the flat-roofed houses. About twelve hundred were engaged on this occasion, and the Medioona tribe succeeded in driving off their assailants. On the 30th the inhabitants of Dar-el-Baida were again alarmed by seeing all the neighboring hills covered with horsemen, clustered as thick as bees. The poor Medioonese were given up as lost, as it seemed impossible they could resist the host mustered against them. The attack was made with great fury. The excitement in the town was at the highest pitch. The native inhabitants, from the cause we have mentioned, are all sympathizers with the Medioonese; and men and women crowded the walls, cheering on their tribe and waving handkerchiefs and rags. The field of battle must have presented a singular appearance. The wives of the persecuted tribe followed their husbands up to the enemy, with their babies slung over their backs, and beating tomtoms to keep the warlike fury of their husbands at the proper point of excitement The belief that the Medioonese must be overpowered became so general that their friends inside got pick-axes, and were preparing to make a hole in the wall on the side where the battle raged, in order to let in the fugitives

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one by one, without the danger of their pursuers following and taking the town by a rush. The prospect of having two thousand or three thousand wild Arabs in the town, even if their pursuers were kept out and the fight was not renewed in the streets, degenerating into indiscriminate plunder and bloodshed, was sufficiently alarming; but fortunately the repeated cavalry charges were successfully resisted, and the day ended by the assailants retreating to the hills. As each succeeding attack seemed to press the Medioonese more severely, and the danger to the town was only averted for the time, but not removed, the British vice-consul, Mr. Wooldridge, volunteered to seek an interview with the Sultan's officer, Boabeeb, and urge him to postpone all further proceedings against the offending tribe until the result of a representation to the Sultan should be known A letter was accordingly despatched to Boabeeb, appointing a place of meeting at a small river between the two hostile camps; and on the 31st, at six in the morning, the vice-consul proceeded to the spot, under an escort of four soldiers provided by the kaid. The conference was a hurried one, and not unattended by danger, for when Boabeeb, with thirty cavalry, was seen descending to the place of meeting, the Medioonese, construing the movement into a hostile one, sent out a body of cavalry to meet him Boabeeb therefore halted at some distance from the place of meeting, and despatched a soldier to inquire the object of the party which had followed the vice consul. The Medioona cavalry consented to retire out of range; but the hostile Arabs remained still in sight of each other, and Haggi Boabeeb expressed his fears that unless the conference was a short one he should not be able to restrain the Wolidzian from coming on. On the return of the British vice-consul to the town, the representatives of the other European powers hastened to learn the result of the interview. It was understood that Boabeeb had declined at first to grant any delay in executing the orders of the Sultan to chastise the Medioona. But upon its being urged upon him that he was not authorized, in the execution of those orders, to endanger the safety of one of the Sultan's towns, and the lives and property of the Christians and Europeans in it, thereby embroiling his master with foreign governments, and that he should delay operations till further orders from the Sultan, Boabeeb said he would take time to consider and consult with Benniasheesh, and send in the reply in the afternoon The reply was duly received and made known to the Europeans in Dar-el-Baida. It was from Benniasheesh, whose authority appears to be superior to that of Boabeeb. The spirit of the reply, as might be expected, reflects the savage cruelty of Mahommedan despotism; but in point of form it is a favorable specimen of a clear, terse, official style, and we therefore insert a copy of it: "The Sultan has given me orders to slay, chase, exterminate, and eat up the Medioonese, and I will slay, chase, exterminate, and eat up the Medioonese until none remain, no matter what are the consequences I will not stop until I receive counter orders from the Sultan." Up to the 4th of April no further attack had been made, but it was asserted that Benniasheesh was collecting his forces for another fight. A formal protest by the consuls had been sent to him, and his reply had been received He had offered to suspend hostilities on certain conditions, which the consuls could not accept In the mean time representations have been made to Sir John Hay, who is now at Morocco transacting business with the Sultan, and his intervention will no doubt lead to the requisite orders being sent to respect the safety of Dar-el-Baida. Practically the same object has been already attained by the presence of her Majesty's steam-sloop Trident, and probably other vessels-of-war, from which men would be landed, in case of necessity, to man the walls and keep out the barbarous tribes.

Mr. McMath to Mr. Seward.

No. 13.] CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, September 30, 1863.

SIR: I have the honor to forward to the department copies of the correspondence and royal order referred to in despatch No. 12, dated 24th instant.—(See enclosures Nos. 1, 2, 3, 4, and 5.)

A short time after taking charge of this consulate, I informally communicated to the Moorish minister for foreign affairs the views expressed in your despatch No. 2, dated 28th April, 1862, to which the minister replied that his Majesty, being the sincere friend of the United States, would do nothing to weaken the ties of friendship existing between the two nations, and the military aid of his Majesty would be furnished whenever called for to arrest American citizens on the demand of our representative; that his Majesty's government

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would not intervene between such persons and their government; and concluded the interview by remarking, that any instructions I might give to my vice-consuls on the subject would meet with the aid and co-operation of the bashaws on the coast, if military aid was necessary.

About that time I received a note from our consul at Liverpool, informing me the vessel 290 had put to sea. I at once instructed my vice-consuls to be on the watch, as the insurgents, with the aid of the British ship-builders, had sent out a piratical vessel—describing her—to destroy our commerce, and, being driven by necessity, might take shelter in some of the ports of this empire; at the same time instructing them, if such vessels visited their port, to arrest all of their officers and crew coming on shore, and, with the co-operation of the bashaw, also to capture the vessel, if possible, and report to me. But last April I became convinced, from various circumstances, if my vice-consuls demanded military aid, it might, through the influence of vice-consuls and merchants on the coast, hostile to us, be denied. I concluded at once to address a note to the minister and demand that no vessel-of-war, or other vessel sailing under the piratical flag of the so-called Confederate States, should be permitted to enter any of his Majesty's ports on pain of seizure. From causes which I attribute to European influence, an answer to my note was unreasonably delayed, and when it did arrive was of a character so equivocal that I at once sought an interview with the minister, and from the tone of his replies discovered that his views were altogether too much European to satisfy me. I then addressed my second note to him, and after another unreasonable delay, received his reply, with the order, in Arabic. A translation in English is enclosed.

Each of the bashaws of the ports has been furnished with a copy of the order in Arabic, and my vice-consuls with copies in English, and also full instructions on the subject.

As I claim under the late Spanish treaty—it being the most favorable—I have referred my vice-consul to it, and particularly the 13th section.

I trust my action in the premises will meet the approval of the department.

I have the honor to be, sir, your obedient servant,

JESSE H. McMATH.

Hon. WILLIAM H. SEWARD,
Secretary of State.

No. 1.

Mr. McMath to Mr. Bargash.

CONSULATE OF THE UNITED STATES,
Tangier, April 23, 1863.

SIR: It is known by his Majesty the Sultan that my government has been for some time past engaged in a war with armed insurgents, who have assumed the name of the so-called "Confederate States of America," and are endeavoring to destroy the federal government. The constitutional duty of the President of the United States, in this hour of his country's trial, is plain and conclusive. He cannot consent to dismemberment of the government; but it must be maintained at every cost and sacrifice. During the past twelve months the geographical limits of the so-called Confederate States have been greatly reduced, and we feel confident that at the close of the present campaign, through the persevering energy of the federal government, we will have gained complete success over the insurgents.

While we have been contending with them on land, they have engaged pirates to destroy our shipping on the high seas. The name of the principal

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piratical vessel engaged in this unlawful and cowardly conduct is the Alabama. She is not a national ship, and has neither name, tonnage, nor clearance registered in the custom-house of any known nation. She has neither commission nor flag that any nation can recognize or regard. She has not the stamp of any nationality in any form nor for any lawful purpose. She is known, both in Europe and America, to have been guilty of the most flagrant acts of piracy. She seizes peaceable and unarmed merchantmen on the highway of nations, plunders and burns them. She has alternately used the British and American flags and the so-called Confederate States flag, while she practices, under the black flag of piracy, hostility to all nations. She cannot claim, in taking prizes, the respect due to a belligerent, because she has not sent, and cannot send, any prize into any port of any nation for adjudication in conformity with international law, simply because she has herself no national character and cannot have She is, therefore, an outlaw, a pirate on the high seas.

There is another vessel of the same character, called the Florida, committing like depredations against humanity.

The uniform and unwavering friendship of his Majesty's government towards my government for upward of seventy years past leads me to the conclusion that his Majesty would not, in any manner, countenance rebellion within the domain of his ancient friend, but, on the contrary, would desire the success of the federal government over armed insurgents.

I have called the attention of his Majesty's government to the above facts, and, in view of them, would ask his Majesty to prohibit, by his royal order, the entrance within any port of this empire any vessel, armed or unarmed, sailing under the flag of the so-called Confederate States of America, on pain of seizure.

I avail myself of this occasion to offer to your excellency a renewed assurance of my very high consideration and regard.

JESSE H. McMATH.

His Excellency SEID MOHAMED BARGASH,
Minister for Foreign Affairs.

No. 2.

[Translation.]

Praise be to the One God.

We continue to make inquiries regarding your welfare, and praying God that you are well.

We have received your letter, in which you requested us to write to the court of his Sherifian Majesty regarding the insurgent people in your country, as far as you have stated, explained, and extended by length, in your said note, whose demand is concerned, not to admit any vessel of them to enter the ports of this happy empire upon pain of seizure.

After having communicated the same to the court of his Sherifian Majesty, and explained to them your wishes, his Majesty, our master, has answered to us that he does not wish to be with all the nations but in peace, and that he wishes also to you the good; but, as far as your demand is concerned, requires to act and to follow on the subject according to the known rules and to the general way, for the reason that our master does not want that any disgust may result from this affair to anybody, or that may result any danger to the empire and to the merchants of foreign nations established in the ports of our master; besides of other prejudices which may result by our interfering in matters separated from what it is the general rule, therefore

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we like to act on this affair, and in others similar to it, in conformity of what other nations do.

Our master, protected by God, has, therefore, ordered me to act with you in this matter in conformity with the rules which other nations follow on the subject, and I hope that, by the means of the friendly relations which exist between the two countries, and the good manner by which matters are discharged between me and you, this affair shall result in a manner which will have no blame. And peace.

Written on the end of the month "Muharram," year 1280, (equal to July 17, 1863.)

The employé of the throne, elevated by God,

MOHAMED BARGASH.

Our dear and wise friend, Consul General for the American nation, JESSE H. McMATH, Esq.

No. 3.

Mr. McMath to Mr. Bargash.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Tangier, July 22, 1863.

SIR: I have the honor to acknowledge the receipt of your note, dated 17th instant, in which you inform me you have received instructions from his Majesty the Sultan relative to piratical vessels (to which I long since called the attention of this government) "to act with you (me) in this matter in conformity with the rules which other nations follow on the subject." As this is a Mohammedan nation, to which, in many respects, the law of nations, as recognized by Christian powers, does not apply, I have come to the conclusion your instructions are to follow "the rules which other (Mohammedan) nations follow on the subject."

The Sultan of Turkey, with whom we have diplomatic relations, and other nations, have already prohibited such vessels from entering any of the ports in their dominions, respectively. This is what I ask of his Majesty as our right under the treaty existing between this and the government I have the honor to represent. My government will not consent that his Majesty's dominions shall be made by revolutionists a base for piratical or other hostile expeditions against the authority, but, on the arrival of such persons in this country, we will demand their arrest and delivery to the lawful authorities of the United States, as was done in the case of Myers and Lunstall, which occurred here in February, 1862. In that case my predecessor, Mr. De Long, applied to your excellency for military aid to enable him to execute the power conferred on him by the treaty, and which aid you unquestionably granted, being obligatory upon his Majesty's authorities to do under the same treaty. And in the treaty to which I refer no distinction has been made between the *persons* and *property* of an American citizen sojourning in this empire, but both are under the control and protection of our representative. It is, therefore, unnecessary for me to consider the question whether the treaty makes a distinction between an insurgent American citizen, who may have fled here for asylum, and his property found within the empire; for, if the representative can, with the military aid of his Majesty, arrest an insurgent, and this I am sure can be done, surely then, with the same military aid, the *property* of the insurgent can be seized by the representative. The pretended officers and a part of the crews of these piratical vessels are American citizens, owing allegiance to my government. It is true they are in rebellion against its authority. Can

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this empire be made a base for their insurrectionary aims? Certainly not under the treaty, and it is equally certain this cannot be by any rule of the law of nations applicable to this empire. And the so-called Confederate States, to which these rebels and pirates claim to belong, not being a recognized nation by any Christian or Mohamed power, I demand, in the name of my government, that his Majesty will treat them as pirates. We do not ask you to pursue them at sea, if they should come into any of his Majesty's ports, but I do ask that, by royal decree, such vessels be prohibited from entering into any of his Majesty's ports upon pain of seizure. And I feel assured that his Majesty's government, being no less desirous than my government to continue the friendly relations that have existed so long between them, and actuated by a sense of profound justice, will make the decree asked for.

I would be pleased to have an answer to this note at the earliest moment.

I avail myself of the opportunity afforded to assure your excellency of my high consideration and esteem.

JESSE H. McMATH.

His Excellency SEID MOHAMED BARGASH, *&c., &c., &c.*

No. 4.

[Translation.]

Praise be to the One God.

We continue to make inquiries regarding your welfare, and praying God that you are well.

When you had addressed to us regarding the vessels of the insurgents, so-called Confederate States, demanding not to receive them into the ports of our master, protected by God, but subject to seizure, we had answered to you with what then appeared to us relative to the subject. But you have repeated your writing on the matter, and explained by length the subject, stating, at the same time, that your demand was one of a right, and in accordance with the treaty stipulations between the two governments; and so far that you have explained the subject in your said letter.

I have now to inform you that we have forwarded your note, accompanied by our writing on the subject, to his Majesty our master, and I have received the answer ordering me to act with you on this matter in accordance with the treaties, which no one of the nations, nor others, can separate from. Therefore we are ready to that, and I have this day ordered the officers of our master the Sultan in the ports not to receive any one of the insurgents, so-called Confederate States, for the reason that they are not known to us, nor is there any consul who may make them known to us, therefore they shall not be admitted, and to act with your vice-consuls in our ports in accordance with the treaties, and in conformity with the royal order of his Majesty our master the Sultan. And peace.

On the 10th Rabih the second, 1280, (equal to September 23, 1863.)

The employé of the throne, elevated by God,

MOHAMED BARGASH.

Our dear and wise friend, Consul General for the American nation, JESSE H. McMATH, Esq.

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No. 5.

Copy of the royal order issued by the Moorish minister, in the name of his Majesty the Sultan, to all the bashaws in the ports of Morocco.

PRAISE BE TO THE ONE GOD.

You are aware of the conflict which is going on in the American nation; that a part of them are in a state of insurrection against their government, calling themselves the Confederate States of America, and are fighting the government with whom we are in friendship and good relations. The consul general of the American nation has demanded from us to issue an order not to receive in your port any vessel of the so-called Confederate States.

We have referred the affair to our master, protected by God, and our master has ordered me to act on the subject in accordance to the treaties, which no one of the nations can separate from. Therefore I come to the conclusion to order you, in the name of my master, that, if any vessel of the so-called Confederate States enters your port, it shall not be received, but you must order it away at once, as they are not allowed entrance, because we do not know them, and they have no consul by whom they may be known to us, or who may act for them; therefore we have prohibited their entrance on pain of seizure; and you will act on this subject in co-operation with the United States vice-consul, in accordance with the treaties and in conformity with our master's royal order. And peace.

On the 10th Rabih the second, year 1280, (equal to September 23, 1863.)

The employé of the throne, elevated by God.

MOHAMED BARGASH.

God will save him.

Mr. Seward to Mr. McMath.

No. 9.] DEPARTMENT OF STATE,
Washington, November 13, 1863.

SIR: Your despatch of the 30th of September (No. 13) has been received, and your proceedings, as therein detailed, with a view to prevent piratical vessels of the insurgents from entering Moorish ports, are approved.

The President is entirely satisfied with the royal order issued in the name of his Majesty the Sultan to all the bashaws in the ports of Morocco, and you are instructed to make this known to his Majesty's minister for foreign affairs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JESSE H. MCMATH, Esq., *&c., &c., Tangier.*

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MEXICO.

Mr. Corwin to Mr. Seward.

[Extract.]

No. 34.] LEGATION OF THE UNITED STATES,
Mexico, October 27, 1862.

SIR: Since my last despatch, Buitron, a celebrated robber-chief, sent in his adhesion to the government, and has placed himself and about 600 men under the command of the proper military officers of the republic. General Comonfort is now here with 5,000 men, on his march to the main army at Puebla. General Doblado, late secretary of state, is in Guanajuato with about the same number of men, preparing to move to Puebla in time to meet the advance of the French troops upon that place.

On the 20th of this month congress was opened. The reply to the President's speech pledges the hearty co-operation of congress and its constituents in all measures necessary to repel the invasion of the French. I see no indication of a party in this country favorable to intervention or invasion by the French, or any other foreign power.

The French troops are now moving from Vera Cruz to this city, by way of Jalapa. When all the troops now here, and those daily expected, are united, they can present an army of 25,000 men. Arrivals of either detachments are spoken of. If the invaders choose to attack Puebla, where the Mexican army is strongly fortified, about seventy miles from this city, the battle there will, if favorable to the French, enable them to take this city without any doubt. In the latter event, the government officials will leave with the archives and take up a position in some of the States where it will be most difficult for a military force to march and capture them. This state of things, it is believed, will only begin a war of two or three years' duration.

* * * * * * * *

Your obedient servant,

THOMAS CORWIN.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Exhibit B—Despatch No. 34.

[Translation.]

MEXICO, *October* 3, 1862.

MR. MINISTER: The undersigned, members of the diplomatic corps, present in the city of Mexico, have learned with regret of the arrest of several foreigners, to whom the Mexican authorities had given notice of the order to depart from the capital within forty-eight hours, with the view of betaking themselves out of the territory of the republic.

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The undersigned would be pleased to believe that the government will not carry out a measure so severe without having evident proofs that these foreigners have committed hostile acts against the state, and that their presence in Mexico offers a real danger.

They hope, therefore, that the government of the republic will be pleased to communicate to them its final determination, reserving to themselves the making to it of ulterior and essential communications with respect to the same measure.

The undersigned have the honor to renew to his excellency the minister of foreign relations the assurance of their high consideration.

THOMAS CORWIN,
E. E. & M. P. of the U. S. A.

E. D. WAGNER.
FR'CO DE P. PASTOR.
AUGUSTE V. KINT DE ROODENBECK.
MANUEL NICHOLAS COPANCHO.
NARCISO DE P. MARTIN.

His Excellency Mr. JUAN ANTONIO DE LA FUENTE,
Minister of Foreign Relations, &c., &c.

Exhibit B 2—Despatch No. 34.

[Translation.]

NATIONAL PALACE,
Mexico, October 3, 1862.

The undersigned, minister of foreign relations of the Mexican republic, has received the joint note which their excellencies the members of the diplomatic corps present in the city of Mexico have done him the honor to address to him on this day, in reference to the order issued by the government of the president, to arrest some foreigners, to make them depart from the capital within 48 hours, and to compel them to quit the Mexican territory.

Their excellencies add, that they are pleased to believe that the general government will not carry out this determination without having evident proofs that these foreigners have committed hostile acts against the state, and that their presence in Mexico was really dangerous. Finally, their excellencies manifest the desire that the government of the republic may communicate to them its resolution upon this question, reserving to themselves the transmission to it of their ulterior communications, essentially connected with the measure in question.

The undersigned, after having received the instructions from the president, hastens to reply to the points which he has just stated in the same terms employed by the honorable members of the diplomatic corps.

In truth, if the government hesitated for a moment in the full conviction, which it has, of having decreed upon good grounds this expulsion, it would avoid, indeed, the carrying of it into effect; in this respect the joint note does it justice; but the undersigned regrets very much that the presumption of uprightness in the general government should not extend to the time when it thought proper to adopt the measure which is referred to, but that it should only include the interval which may elapse between its adoption and its execution. And, nevertheless, that presumption *prima facie* would have been reasonable, because the opinion of justification is so in the resolutions which a legitimate authority takes in exercising its powers, until it is proved otherwise. But the undersigned would persuade himself that the omission, to which he has just referred, was not a deliberate one.

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Recurring to the essential point of this affair, the undersigned must repeat in this note what he has already had the honor of saying verbally to some of the Messieurs the Ministers who have conferred with him privately and confidentially upon this affair, to wit, that the federal government, with good data examined with mature and calm deliberation, has entirely satisfied itself that the foreigners in question were violating, by their conduct, the neutrality to which they were subject, and that, for this reason, their residence in the country compromitted seriously the public tranquillity, and even with some danger to their own persons.

By the constitution and laws of Mexico, the federal government is invested, at all times, with the authority of issuing a passport to, and to cause to leave the national territory, any foreigner not naturalized, whose continued residence it may deem prejudicial to the public order. This right of the government was of itself a duty in the present very critical situation. The action of the government had to be as prompt as the circumstances in which the republic finds itself are threatening, and repressing these excesses with measures proper even of the normal times, the government of the president has desired to show once more, as on so many others, that it exercises with moderation the right of the national defence, although there is being waged against Mexico a war equally unjust in its causes, as in its means and ends.

Thus, therefore, the definitive resolution of the government is, to carry into operation the measure to which the honorable members of the diplomatic corps refer.

The undersigned takes pleasure in reiterating to their excellencies the assurances of his high consideration.

JUAN ANTONIO DE LA FUENTE.

His Excellency Mr. THOMAS CORWIN,
Envoy Extraordinary and Minister Plenipotentiary of the U. S. of America—Dean of the Diplomatic Corps.

Mr. Corwin to Mr. Seward.

[Extract.]

No. 36.] LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, November 19, 1862.

SIR: * * * * * * * * *

There are now about 42,000 French troops in Mexico. These are on their march from the Gulf coast to Puebla by two routes—one division by Jalapa, the other by Orizaba. It is, doubtless, their intention to concentrate their main army at the siege of Puebla. This latter is a strongly fortified city, about seventy miles from this city, and on the direct route from this to Vera Cruz. Military men suppose that the superior guns and engineering skill of the French will enable them to take Puebla. If this opinion shall be verified, then it is, I think, quite certain that this city will be quickly and easily captured, though every effort, possible to a government so much in want of means as Mexico, is now making to defend this capital. When the French army shall be in possession of this city, and command the entire road to Vera Cruz, I see no possibility of ending the war for one or two years, unless the French choose to treat with the present government. Mexico will obstinately adhere to her present position.

Within the last two weeks all intercourse between the Gulf and this city is forbidden by a decree of the supreme government, so that this despatch will go to Acapulco, on the Pacific, and from thence to New York by way of Panama.

I must beg the department hereafter (and until this decree shall be revoked,

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or the route to Vera Cruz opened by the French) to send duplicate despatches—one by way of Havana and Vera Cruz, and the other by way of Panama and Acapulco to this city.

* * * * * * * *

Your obedient servant,

THOS. CORWIN.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Mr. Seward to Mr. Corwin.

No. 61.] DEPARTMENT OF STATE,
Washington, November 26, 1862.

SIR: Your despatch of October 27 (No. 34) has been received. It presents, in a very brief yet a very comprehensive way, the political and military situation of Mexico.

Under date of the 24th instant I addressed you a despatch, (No. 61,) which was forwarded by the mail of yesterday, and for which you will please to consider the present a substitute, the first of this number having been cancelled.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS CORWIN, Esq.

Mr. Seward to Mr. Corwin.

No. 64.] DEPARTMENT OF STATE,
Washington, January 2, 1863.

SIR: Your despatch of November 19 (No. 36) has been received. The information which it gives, concerning the military situation in Mexico, agrees with the intelligence we obtain through the press, and, as I think, with the understanding of that subject that is now accepted in Europe.

Affairs have remained unchanged, but not without prospect of change and improvement. For the moment, two opposing armies seem to be fixed on the banks of the Rappahannock. There will be, before long, a change there. Our iron-clad fleet is at last afloat, and it will, I think, be heard from soon. Our two western armies, as well as that of General Banks at New Orleans, are becoming active.

The proclamation of the President adds a new and important element to the war. Its probable results are doubtless exaggerated by one portion of the people, but not more than they are underestimated by another. Assuming, as I believe, its policy to be an unchangeable one, it is not at all to be doubted that, sooner or later, it will find and reach a weakness in every nook and corner of the insurrectionary region. The very violence with which it will probably be met will, after a little, increase its efficiency.

I refrain from giving you information concerning the changing aspect of our foreign relations, because there is no certainty that, in the present condition of communication between this capital and the one in which you reside, my communications would be safe from visitation. I must be content, therefore, with saying that there is a manifest improvement of temper in Europe in regard to our unhappy controversy, and that with success of our armies, which may be reasonably expected, we shall probably encounter no foreign disturbance.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS CORWIN, Esq.

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Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, January 7, 1863.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the reception of the note of his excellency Mr. Romero, chargé d'affaires of the republic of Mexico, which bears the date of December 20, and relates to the subject of the clearances of certain articles of merchandise at the city of New York, alleged by Mr. Romero to have been made, on account of French subjects, for the use of the French government in its war with Mexico.

In the note which the undersigned addressed to Mr. Romero on this subject, on the 15th December last, and also in an exposition of the same subject which was made by the Secretary of the Treasury, and which was submitted to Mr. Romero, it was explained that the clearances of which he complains were made in conformity with the laws of the United States, and with the practical construction of these laws which has prevailed from the foundation of this government, a period which includes wars, more or less general, throughout the world, and involving many states situated on the American and European continents.

The undersigned, after the most careful reading of Mr. Romero's note, is unable to concede that the government of the United States has obliged itself to prohibit the exportation of mules and wagons, for which it has no military need, from its ports on French account, because, being in a state of war, and needing for the use of the government all the fire-arms made and found in the country, it has, temporarily, forbidden the export of such weapons to all nations.

Nor is it perceived how the treaty between the United States and Mexico, to which Mr. Romero refers, bears upon the question, since the United States have not set up or thought of setting up any claim that Mexico shall be required to admit into her ports any articles of merchandise, contraband of war, which may be exported from the United States on French or any other account.

The undersigned is equally unable to perceive the bearing of Mr. Romero's allusions to the correspondence which has occurred between this government and that of Great Britain, in which complaints have been made by the United States that Great Britain wrongfully and injuriously recognized as a public belligerent an insurrectionary faction which has arisen in this country; has proclaimed neutrality between that faction and this government, and has suffered armed naval expeditions to be fitted out in British ports to depredate on the commerce of the United States, in violation of, as was believed, the Queen's proclamation, and of the municipal laws of the United Kingdom.

The undersigned avails himself of this occasion to renew to Mr. Romero the assurances of his most distinguished consideration.

WILLIAM H. SEWARD.

Señor Don MATIAS ROMERO, *&c., &c., &c.*

Mr. Corwin to Mr. Seward.

[Extract.]

No. 37.] LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, January 8, 1863.

SIR: No act of the French government or troops has been known here, since my last despatch, whereby it can be certainly known what the ultimate designs of the Emperor are towards Mexico.

The French forces are moving towards Puebla, on the two lines of Jalapa

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and Orizaba. It is now quite certain that they will attack Puebla before they march upon the capital. The Mexican officers here express the opinion that Puebla cannot be taken by the present force moving against it, while it is certain that the tried and experienced commander of the French army, being well informed as to the defences of the place, has little, if any, doubt of success.

THOMAS CORWIN.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Corwin to Mr. Seward.

No. 38.] LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, January 27, 1863.

SIR: Since the date of my last despatch the French forces have made a forward movement. It is said they have a large train of siege guns for the purpose of bombarding Puebla. They are now within about thirty miles of the latter city. Puebla is said to be strongly fortified, and is defended by about 20,000 men. We are led to suppose that General Forey is, in his own opinion, quite sure of success, since he proceeds with great caution, and so slowly that some have supposed he wishes to reach this city without a decisive conflict with the Mexican troops.

I have been told that the government here have received information, official or otherwise, to the effect that our government has permitted the French to purchase mules and wagons for the use of their campaign here, and has denied to Mexico a like privilege. I have made no inquiry of the government here touching this rumor, nor has anything been said about it by the secretary of foreign affairs to me. It would be very necessary, if anything of this kind has been agitated at Washington, that I should have a copy of any letter to Mr. Romero on that subject. The Mexican cabinet are very suspicious of our partiality to the French. I wish to have in my possession, therefore, official information, which may give the true state of our dealings with both belligerents.

Your obedient servant,

THOMAS CORWIN.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION,
Washington, February 23, 1863.

The Mexican consul at Havana has sent me a copy of an affidavit made at the consulate under his charge by sundry individuals of the crew of the steamer Noe-Daquy, captured by the Mexican authorities of Yucatan for being in the slave trade. If the facts be true which are narrated in that affidavit, of which I have the honor to enclose you a copy, the United States steamers Wachusett and Sonoma, which arrived at the island of Mugeres the 28th December last, under the order of Commodore Wilkes, committed the offence of taking by force from the jurisdiction of the Mexican tribunals a prize which was subject to them, and which they were passing upon in accordance with the laws.

I have no doubt that, if such facts should turn out to be proven, the government of the United States will be disposed to give to that of Mexico all the satisfaction that may be due to it for the violation of its rights, as she has done

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to other nations whose maritime sovereignty has not been respected by vessels of the United States. Although I have not yet received instructions from my government upon this matter, and probably they will not communicate with me until the receipt in Mexico of the reports from the governor of Yucatan, I believe it to be my duty to communicate to you at once the affidavit mentioned for the information of the government of the United States, reserving the application for what may be rightly due when I shall receive instructions from the Mexican government.

I profit by this opportunity to renew to you, sir, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Mr. Corwin.

No. 68.] DEPARTMENT OF STATE,
Washington, February 25, 1863.

SIR: Your despatch of the 27th ultimo (No. 38) has been received.

The printed document herewith enclosed, Senate executive No. 24, of the present session, contains correspondence upon the subject of the purchase in the United States of munitions of war by the belligerents in Mexico, which will correctly inform you of the position taken by this government.

Besides the information thus disclosed, it is understood that the Secretary of War has since placed such a construction upon the executive order as to make it applicable to certain articles much needed by the French in the prosecution of their hostilities in Mexico.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS CORWIN, Esq.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, February 25, 1863.

SIR: I have had the honor to receive your note of the 23d instant, relative to an alleged forcible taking from the jurisdiction of the Mexican tribunals, by Acting Rear-Admiral Wilkes, of the steamer Noe-Daquy, captured by the authorities of Yucatan for being engaged in the slave trade.

In reply, I have the honor to acquaint you that a translation of your communication will be at once submitted to the Secretary of the Navy, with a request for an inquiry into the case, with a view to such further proceedings as the result may be found to call for.

I avail myself of the occasion, sir, to offer you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Señor Don MATIAS ROMERO, *&c., &c.*

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION,
Washington, February 26, 1863.

MR. SECRETARY: The Mexican consul at Brownsville, Texas, and the vice-consul of Mexico at Franklin, New Mexico, have frequently complained to this

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legation on account of the unjustly depressed and miserable condition in which Mexicans resident in the State of Texas and Territory of New Mexico are held, whom it is sought to compel to serve in the army of the United States, or in that of the insurgents, or to subject to other undue burdens, in violation of the rights they hold as foreigners.

Having submitted said reports to my government, the secretary for foreign relations of the republic has communicated to me the instructions of the president on this subject, in which he recommends me to call the attention of the government of the United States to the situation of Mexican citizens resident on the frontier of the United States. He also recommends that I solicit from the government of the United States the issue of decided orders to Colonel West, commander of the expedition sent to Arizona, and to the commander of the forces of the United States in New Mexico, and to that of the expedition which is going to Texas, to act so as to preserve to the Mexicans the consideration and franchises which the universal law of nations and the conventional law between Mexico and the United States guarantee to them.

In thus complying with the instructions I have received from my government, I avail of the opportunity to repeat to you, sir, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION,
Washington, March 6, 1863.

MR. SECRETARY: I have the honor to acknowledge receipt of the note you were pleased to address to me of this day's date, informing me of a despatch from Rear-Admiral Wilkes, and from the evidence which accompanies it, the steamer Noe-Daquy, it appears, is in "reality the property of rebels against the United States, which was intended to run the blockade of Mobile with a cargo which was brought from the Havana to the island of Mugeres by the Spanish schooner Pepita, and that the steamer was captured outside of the maritime jurisdiction of the Mexican republic." In said note you are pleased to state, besides, that, supposing the Noe-Daquy had been sent to Key West for trial there, it is not to be doubted that the prize court would give due attention to any complaint which the Mexican government might present with reference to said vessel.

Not having yet received the instructions of my government on this subject, I restrict myself to sending to Mexico a copy of your note. If the Mexican government could have before them the evidence to which you make reference, I have no doubt it would contribute to making it form a just idea of what has happened.

As to what relates to the disposition the court of prize at Key West may entertain to give due attention to the claims of the Mexican government, I must say to you that, by the reports which have reached my knowledge in respect to this matter, it appears that Rear-Admiral Wilkes forcibly withdrew from the jurisdiction of the Mexican courts a prize which was subject to them, and which they had under trial according to the laws. This constitutes a violation of the maritime sovereignty of Mexico by vessels of the government of the United States. Of this violation I complain, conditionally, in the note I had the honor to address to you on the 23d of February last past, and to obtain reparation therefor, in case it should prove to be true; I could not address myself to

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the court at Key West, which could not give me proper satisfaction. If from proofs existent in your department, and those Mexico may furnish me, it should appear that the sovereignty of Mexico has not been violated, no more would be left for me to say on this matter, for I should not have any ground for claim.

I avail of this opportunity to repeat to you, sir, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Mr. Romero.

DEPARTMENT STATE,
Washington, March 6, 1863.

SIR: I have to acquaint you that a report from Rear-Admiral Wilkes has been received, through the Navy Department, on the subject of the steamer Virginia, *alias* Noe-Daquy. From this report, and the accompanying proofs, it appears that that vessel, though claimed to have been intended for the slave trade, was in reality the property of insurgents in arms against the United States, and was intended to run the blockade of Mobile, with a cargo which was taken from Havana to Mugeres island, on board the Spanish schooner Pepita. It also appears that, in point of fact, the Virginia was captured beyond the maritime jurisdiction of the Mexican republic. Inasmuch, however, as the vessel has been sent to Key West for adjudication, it is not to be doubted that the prize court there will give due attention to any claim which the Mexican republic may prefer with reference to her.

I avail myself of the occasion, sir, to offer to you the assurance of my distinguished consideration.

WILLIAM H. SEWARD.

Señor Don MATIAS ROMERO, *&c., &c., &c.*

Mr. Corwin to Mr. Seward.

No. 39.] LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, March 11, 1863.

SIR: I have received your despatch No. 63, under date of December 19, 1862, accompanied by copies of the note of Mr. Romero, chargé-d'affaires for Mexico, dated December 10, 1862, and your note in reply, dated December 15, 1862, copies of which, agreeably to your instructions, I have communicated to his excellency Mr. Fuente, secretary of foreign affairs for Mexico.

The correspondence between Mr. Romero and the United States, concerning the exportation of arms by Mexico, and that of wagons and mules from New York by French agents, for the use of the French army in Mexico, had, as I am informed, been transmitted to the state department of Mexico some time before the receipt of your despatch of December 19, 1862.

This correspondence and the decision of the American government on the points it involves has, I am sure, caused quite an unfriendly feeling in the minds of the Mexican cabinet towards the United States. The decision of our government is regarded here in the very light in which Mr. Romero has endeavored to place it—that is, as simply denying to Mexico rights which we concede to France; and from this postulate they easily reach the conclusion that our government has disregarded, to the prejudice of Mexico, those obligations which international law imposes upon neutral powers. However erroneous

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this view may be, I have no reason to expect that it will be changed. I have had no conference with the minister of foreign affairs on the subject, nor has he named it to me, either verbally or by written communication. As I regard your note to Mr. Romero as presenting all the reasons for the course our government has adopted, I shall not, of course, seek to transfer the controversy from Washington to this city, but shall use all proper means, on proper occasions, to satisfy the Mexican authorities of the propriety of the course my government has deemed it proper to take.

On the 9th day of February the Prussian minister, being about to leave Mexico, addressed to me a note, a copy of which I transmit herewith, requesting me to assume the protection of all French, Spanish, Prussian, and Belgian subjects residing in Mexico.

On the withdrawal of the French legation from Mexico, the duty of protecting the foreigners above named was committed to Baron Wagner, the Prussian minister. I thought proper, at that time, to decline the office and duties proposed, for the reasons assigned in my note to the Prussian minister under date of the 16th of February, a copy of which I send you herewith.

On the 18th day of February I received from Baron Wagner another note, a copy of which I also enclose, proposing to commit the protection of the resident subjects of the four powers named above to the whole foreign diplomatic corps remaining here. This note was dated the day before the departure of Baron Wagner, and was not received by me until the next morning, and after he had left the city. I deemed it proper, in compliance with his request, to inform the other members of the corps now here of it, and ask their opinion as to the course proper to be adopted by us. I have received notes on the subject from the diplomatic representatives of the republics of Ecuador and Peru, and also from the consul general of Venezuela, copies of which are herewith transmitted. It will be observed that, at this time, no European power is represented here by any agent above the rank of consul, nor have any of the American republics a diplomatic representative here, except the United States and the three governments named above. Whilst I entertain no doubt that I might have accepted the powers proposed to be conferred upon me by the Prussian minister, without giving any just cause of offence to the government of Mexico, I thought such a step on my part imprudent, under existing circumstances, unless the request to do so should first be made, through the proper channel, to the President of the United States, and his approval obtained and transmitted to me; I also entertain as little doubt that the diplomatic corps, collectively, or any one of them, might, in a proper case and in a respectful manner, interpose to protect the rights of any foreigner, without any express power given by the government to whom the allegiance of such foreigner might be due. This, it seems to me, would be my duty, since the same course of proceeding pursued towards a Prussian or Belgian subject resident here would, under like circumstances, be adopted towards a citizen of the United States residing here.

It will be seen by the copy of a letter from the state department of Mexico, under date of December 4, 1861, which is forwarded with this despatch, that when the French minister, on withdrawal from Mexico, committed the protection of the French and Spanish subjects in Mexico to the minister of Prussia, the Mexican government accepted and approved that arrangement. It is notorious that the Prussian minister has exercised that power, without objection, up to the time of his withdrawing the Prussian legation, on the 18th of February, 1863.

On the 24th of February, 1863, and before I had informed the Mexican government of the correspondence of Baron Wagner with myself and the diplomatic corps, I received the note, a copy of which is enclosed, from Mr. Fuente. To this I have, on the 7th day of May, 1863, given a reply, a copy of which is herewith transmitted. I shall act in conformity with the principles laid down

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in that note till otherwise instructed. I beg the early attention of the State Department to this whole subject. I have stated the reasons by which I was guided in declining the protection of the subjects of the four powers, as proposed by the Prussian minister, and have forwarded the opinions of the several members of the diplomatic corps respecting the collective protection of those subjects, as required by the note of Mr. Wagner of the 17th of February, 1863, upon all of which I ask the opinion of the President, and such instructions as may be deemed necessary for the regulation of my future action.

The French forces are concentrated at a point about five miles from Puebla, but as late as yesterday had made no attack upon that city, nor had they made any forward movement in the direction of this place. I think, from all I can learn, that the Mexican army is quite confident of victory should Puebla be attacked.

I am your obedient servant,

THOMAS CORWIN.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[Exhibit accompanying despatch No. 39.]

MARCH 11, 1863.

A.

1. Note of Prussian minister, requesting protection of the American legation for Prussian, French, Spanish, and Belgian subjects resident in Mexico.
2. Reply to the same.
3 Note of the Prussian minister, placing said subjects under the protection of the diplomatic corps generally, and the American minister, as its dean, particularly.
4. Note of American minister, calling a meeting of the diplomatic corps, to consider the request of the Prussian minister.
5. Reply of chargé d'affaires of Peru.
6. Reply of chargé d'affaires of Ecuador.
7. Reply of the consul and confidential agent of Venezuela.

B.

1. Communication from minister of foreign affairs of Mexico, protesting against the acceptance of the powers proposed to be conferred by the Prussian minister upon the diplomatic corps.
2. Reply of the American minister.

C.

Reply of the official mayor of the department of foreign affairs of Mexico to note of the Prussian minister, informing the department that he had taken under his protection the French, Spanish, Italian, and Swiss subjects, resident in Mexico.

A 1, No. 39.

Mr. Wagner to Mr. Corwin.

PRUSSIAN LEGATION,
Mexico, February 9, 1863.

SIR: Having solicited a temporary leave of absence, and my government having granted me permission to leave Mexico, I intend to start in a few days for Berlin.

Your excellency is aware that the protection not only of the German, but also of the French, Spanish, and Belgian subjects, has been confided to this legation.

I trust that during my absence the Prussian, Spanish, and Belgian consular authorities will be able to afford all due protection to their respective countrymen, as they have already done on many occasions; and whilst I hope that their intercession in favor of the interests confided to them will avoid the necessity of often troubling your excellency, still I beg, at

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the same time, to take the liberty of recommending them, in case of need, to the kind and more effective protection of the United States legation, confident, as I am, that your excellency will be pleased to grant to the above-mentioned consulates, as well as to the French residents who may appeal to your excellency, such aid and assistance as may be possible under the present critical circumstances.

The French consul, M. Morineau, having left Mexico with the imperial legation, M. Farine had previously been appointed his substitute, in order to take charge of the consular archives and to keep the civil register of marriages, births, &c., &c. The Mexican government had, at the time, been informed of this circumstance.

I have the honor to remain, with the highest consideration, sir, your excellency's most obedient, humble servant,

E. DE WAGNER.

Hon. THOMAS CORWIN, *&c., &c.*

A 2, No. 39.

Mr. Corwin to Mr. Wagner.

LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, February 16, 1863.

SIR: The undersigned has the honor to acknowledge the receipt of your excellency's note, under date of the 9th instant, asking the undersigned to extend the diplomatic protection of the United States government to French, Prussian, Spanish, and Belgian subjects resident in Mexico. The undersigned has given to the subject of your excellency's request his earnest attention, and is compelled, under existing circumstances, to decline the acceptance of the duties and responsibilities which a compliance with your excellency's request would impose upon him. Were such request addressed to the cabinet at Washington, and its objects approved, and proper instructions given to the undersigned, he should then, and only then, deem it proper for him, in obedience to such instructions, to discharge, to the best of his ability, the duties they might impose. The undersigned has not, at this time and place, the means of searching for precedents, but his memory furnishes him with no instance where a minister of the United States has, under circumstances like the present, assumed to extend diplomatic protection to foreign citizens, resident within the territories of the government to which he is accredited, without express instructions to do so from the President of the United States. In regard to the proposed protection of the subjects of his Imperial Majesty the Emperor of the French, there are reasons for the course the undersigned has adopted which might not apply with equal force to the other nationalities specified in your excellency's note. The French empire and Mexico are at war. Between these two belligerent powers the government of the United States occupies a purely neutral position. Should the government of the United States assume the right and duty of protecting the subjects of one of the belligerent powers against the supposed wrongs to be inflicted upon them by the government of the other, it is easy to foresee that cases might arise which would tend strongly to disturb these peaceful relations with one or both the belligerents, which it is the object of perfect neutrality to preserve inviolate.

I have the honor, also, to acknowledge the receipt of your excellency's note of the 18th instant, relating to this subject, and enclosing correspondence relating thereto between your excellency and the minister of foreign relations for Mexico. The undersigned finds nothing in this last note and accompanying papers which, in his judgment, should affect the conclusion which he had come to in relation to the proposition contained in your excellency's note of the 9th instant.

I avail myself of this (probably the last that may ever occur) occasion to renew to your excellency the assurance of my esteem.

THOMAS CORWIN.

His Excellency BARON E. D. WAGNER,
Minister of Prussia, Mexico.

A 3, No. 39.

[Translation.]

MEXICO, *February* 17, 1863.

MR ENVOY: Your excellency having considered it your duty, by your note of to-day, to refuse the protection I had solicited in favor of Prussian subjects, and Germans, French, Spanish, and Belgians, resident in Mexico, I now find myself under the necessity of placing

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these foreigners under the friendly protection of the diplomatic corps, convinced that all its members, were it only from a sense of humanity, would not refuse, under the grave circumstances which may present themselves, their aid and good offices to the many foreigners whose governments have not at this time representatives in Mexico.

I pray your excellency will have the kindness to inform the representatives of the other American republics, who are now at this capital, of the very pressing instances I make to the diplomatic corps, and each of its members in particular, to lend their assistance in favoring protection to foreigners who may address them directly, or to your excellency as their dean.

As neither your excellency nor your colleagues will certainly ever ask anything unjust from the Mexican government, the latter has as much interest as the other American States that it cannot be said that foreigners are intentionally abandoned to the discretion of the government, and without any diplomatic protection. I appeal, then, once more with earnestness, and in the most formal manner, to the feelings of humanity of your excellency, and of the other members of the diplomatic corps, in recommending the foreigners above mentioned to their special protection.

Please accept, Mr. Envoy, the assurance of my high consideration,

E. DE WAGNER.

Hon. THOMAS CORWIN,
Envoy Extraordinary and Minister
Plenipotentiary of the United States of America, and
Dean of the Diplomatic Corps in Mexico.

A 4, No. 39.

LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, February 21, 1863.

MY DEAR COLLEAGUE: On the day of the departure of the Prussian minister, but after he had left the city, I received from him a note, a copy of which I enclose herewith.

In compliance with the request contained in the note of the Prussian minister, I have to ask that you will meet the members of the diplomatic corps, now in this city, at my rooms, (Calle Donceles, No. 23,) on Monday, the 23d instant, at 12 o'clock m , there and then to take into consideration the request contained in Mr. Wagner's note.

I have the honor to be your friend and colleague,

THOMAS CORWIN.

A 5, No. 39.

[Translation.]

MEXICO, *February* 21, 1863.

MY WORTHY COLLEAGUE: I have had the honor to receive your esteemed communication, by which you invite me to assist at a meeting of the diplomatic corps which is to take place at the United States legation on Monday at noon.

I have no certainty of being in the city on the day and hour indicated, because I must go to-morrow into the country; but, made aware of the object of the meeting through the despatch of the minister of Prussia, which you were pleased to send me in copy, I can make up my opinion on the matter, which is, that the diplomatic corps, to whose good offices the minister of Prussia has appealed in favor of European subjects who are at the present without a representative in Mexico, would be able to render purely friendly private services, in accordance with the laws of the republic, in cases in which, in conformity with international law, diplomatic action might be interposed, and especially when the Mexican government, by its courteous concessions, should accept such offices, which do not legitimately spring from the mission of representatives of nations to whom the subjects treated of have no relations.

Please so expound my opinion to the diplomatic corps, and accept the assurances of consideration and respect with which I have the honor to subscribe myself your very respectful, humble servant,

MANUAL NICHOLAS CORPANCHO.

His Excellency the Hon. THOMAS CORWIN,
Dean of the Diplomatic Corps, &c., &c., &c.

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A 6, No. 39.

[Translation.]

MEXICO, *February* 24, 1863.

MR. MINISTER: As I proposed yesterday, I have the honor to acknowledge receipt of your communication, dated 21st instant, in which you are pleased to send in copy that which was on the 17th addressed to you by his excellency Baron Wagner, placing, for reasons expressed therein, the Prussian, Russian, French, Spanish, and Belgian subjects, resident in Mexico, under the protection of the diplomatic corps, and of each of its members.

Confining myself, Mr. Minister, to the side note of his excellency Mr. Wagner, I think that the respective consuls of the subjects to whom it relates will suffice to protect the interests of their countrymen; and for those Europeans who, by force of circumstances, find themselves without representatives, either consular or diplomatic, it is to be expected that the enlightened Mexican cabinet will grant them the proper protection given to every peaceable foreigner. Moreover, I think I ought to say to your excellency that if any of the first, as well as the second, should come to me asking aid and assistance, I shall believe myself bound to interpose, as far as might be possible, my good and friendly offices with the Mexican executive government, which, I hope, will look with pleasure upon the frank statements I might make to it in respect of peaceful and inoffensive foreigners.

By this occasion I have the honor to repeat to your excellency, my colleague, that I am your obedient servant,

FRANCO DE P. PASTER.

His Excellency THOMAS CORWIN,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

A 7, No. 39.

[Translation.]

CONSULATE AND CONFIDENTIAL AGENCY OF VENEZUELA,
Tucubaya, February 27, 1863.

MY ESTEEMED COLLEAGUE: In consequence of what was agreed at the meeting we had on Monday, the 23d instant, to take into consideration the contents of the note dated the 17th last month, of Mr. Wagner, minister of Prussia, asking for the protection of the diplomatic corps, for the foreigners to which the same refers, a copy of which you sent me, what was stated by yourself in the matter, and what was written by the absentee, Mr. Corpancho, chargé des affairs of Peru, and also ignorant of what was written by M. Paster, representative of Ecuador, my opinion on this subject is precisely analogous with yours, and that written by the representative of Peru.

Deign to accept the assurance of my distinguished consideration.

NARCISCO DE F. MARTIN.

Hon. THOMAS CORWIN, *&c., &c., &c.*

B 1, No. 39.

[Translation.]

NATIONAL PALACE,
Mexico, February 24, 1863.

MR. MINISTER: Upon leaving this capital, the Baron E. De Wagner, minister resident of his Majesty the King of Prussia, made known to the government of the federation that he had recommended to certain consular agents the protection of his countrymen, and other foreigners to whom he had dispensed it, by special commission of the respective governments, adding that for extraordinary cases he had placed them under the protection of the legation in your charge, the individuals and the consuls referred to.

I beg you will please to see in annexed documents, No. 1, the pretension of Mr. Wagner on this matter, and in No. 2 the reasons for which the government of the republic could not accept a proceeding so irregular and so dangerous. Mr. Wagner made no reply to those reasons, nor sustained his contested resolution even. But, on the second day of his journey, there was received at the

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department the note which is translated in document No. 3; a note in which Mr. Wagner, carrying to a high pitch his contempt for rules, usages, and conventionalities, abandons the idea of all special protection, in order to place under the safeguard of the diplomatic corps and of the people of Mexico the foreigners who were under the protection of the legation of Prussia.

Doubtless it is unnecessary to controvert the irregular commission which at the outset that minister had confided to you, from the moment that commission was not accepted by you, nor adhered to by the agent who had it to confer; and although, in fact, he may have transferred it to the diplomatic corps, I cannot for a single instant apprehend it would attain better issue, being, as it in truth is, improper, offensive to the government of Mexico, and in every view impracticable. I entertain a sincere and well-founded confidence that your excellency will not lend your respected aid in giving authority to proceedings of this nature. But my duty and the orders of the president oblige me also to declare that in order to protect Prussian subjects, and other foreigners, to whom the Baron Wagner alludes in his said communications, the government of the republic will invariably maintain what I had the honor to state to the minister himself in the official letter I addressed to him, under date 12th of the current month. Until these affairs be not arranged in some other way, with the approval of the governments which are at peace with Mexico, the protection of which I speak has in its favor the spirit of the federal government, and means adequate to make it effectual in conformity with international law and our own laws.

In confiding foreigners, in the first place, to the loyalty and honor of the people of Mexico, Mr. Wagner does this nation the justice which he has so often denied to it; but Mexico does not need this testimony, nor accept it, when presented in derogation of the government she has chosen as the depository of her confidence and authority, because this government, which he affects to cast into oblivion, is the true representative of the nation in her foreign relations; because on all sides it would be reputed a rude violation of the law of nations, should a foreign minister make an innovation to the people, and not to the government near which he should be accredited; and, in fine, because this omission, in the present case, would suggest the offensive presumption that the federal government does not look to the protection of foreigners, when the whole world inclusive is spectator of the contrary. Mr. Wagner, who, in his note of the 9th instant, after indicating what he had resolved to do to assure the protection of Prussian subjects and other foreigners, said to me literally these words, "I flatter myself with the hope that this measure will be no more than a simple formality, and that the foreigners referred to, who may have recourse to the good disposition of your department, will have secured to them the direct protection of your excellency."

I avail of the occasion to renew to your excellency the assurances of my most distinguished consideration.

JA. DE LA FUENTE.

His Excellency THOMAS CORWIN,
Envoy Extraordinary and Minister
Plenipotentiary of the United States of America.

B 2, No. 39.

Mr. Corwin to Mr. Fuente.

LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, March 7, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 24th of February, 1863, communicating the substance of a correspondence between

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your excellency and Mr. Wagner, touching the proposed protection of Belgian, French, Prussian, and Spanish subjects, resident in Mexico, by the diplomatic corps now in this city.

I declined the protection of those subjects, when proposed to be clothed with that power by Mr. Wagner, not, however, because I conceived my assumption of such powers would give any just cause of complaint to the supreme government of Mexico, but on the ground that in the present relations of Mexico with European powers, and also with the government of the United States, I deemed it proper that the subject should be first submitted to the cabinet at Washington, and its instructions thereupon forwarded to me.

I have deemed it my duty to inform the other members of the diplomatic corps of the request of Mr. Wagner. I have received from each of them their opinions on the subject, copies of which are accompanied herewith.

I deem it due to that candor which should characterize the intercourse between the republics of Mexico and the United States to state to your excellency the course I deem it my duty to pursue on this subject, until specific instructions shall be received by me from my government.

If the action of the supreme government of Mexico should at any time be exerted upon any foreign subject or citizen to such extent as to place his life, liberty, or property in danger, and where such action would, with equal propriety, be applied, under like circumstances, to an American citizen, I shall, if any such case unhappily arises, deem it my duty to offer to the supreme government such expostulation as, in my judgment, the case may seem to require. This I shall do, with the most perfect respect for the just powers of the supreme government of Mexico, and with a well-founded confidence in its upright motives, and its desire to do justice to all foreigners, with such moderation as may consist with its self-respect, and the dignity and safety of the Mexican republic. In adopting this course, I am sure your excellency will perceive that I am making no innovation upon the modern usage of civilized nations, nor doing anything which should interrupt the friendly relations which my government so earnestly desires to preserve with the Mexican republic.

I take this occasion to renew to your excellency the assurance of my distinguished regard.

THOS. CORWIN.

His Excellency Señor A. DE LA FUENTE,
&c., &c., &c., Mexico.

C, No. 39.

[Translation.]

The Chief Clerk, Mexico, to Baron Wagner.

NATIONAL PALACE, MEXICO, *December* 4, 1862.

The undersigned, chief clerk of the department of foreign relations, in charge of the office, has had the honor to receive and make report to the first magistrate of the republic of the note of M. E De Wagner, minister resident of his Majesty the King of Prussia, of to day's date, in which he is pleased to advise that on parting with his excellency the minister plenipotentiary of his Majesty the Emperor of the French he invited his excellency the minister of Prussia to charge himself with the protection of the subjects and interests of his nation, as well as those of the Spaniards, Italians, and Swiss, confided till now to the French legation; Mr. Wagner adding his hope that, notwithstanding the difficult circumstances of the moment, those subjects and their interests would be patronised by the government.

In reply, the undersigned must say to his excellency that the existent emergencies do not hinder the Mexican government, in conformity with its principles of justice, and its sympathies for the civilized nations of Europe, from always watching over with the greatest

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solicitude these subjects and those interests confided to the honor and hospitality of the Mexican nation which distinguishes and esteems peaceable and industrious foreigners, to whom the government has always desired to extend and will extend those guarantees which a civilized country can offer.

Upon this understanding, and in courteous observance of the indication of Baron Wagner, proper orders are already issued to the respective authorities that, far from foreigners being molested in their persons or interests, they shall give them every protection, hoping they, in turn, will respond by their quietude and neutrality to the decided resolution the government holds that they be respected.

The undersigned profits by this opportunity, &c.

JUAN D. DIOS ARIAS.

His Excellency Baron Wagner,
Minister Resident of his Majesty the King of Prussia.

Mr. Romero to Mr. Seward.

[Translation.]

Mexican Legation in the United States of America,
Washington, March 19, 1863.

Mr. Secretary: Among the diplomatic correspondence which accompanies the message which the President addressed to the 37th Congress of the United States, dated December 1, 1862, and of which I seasonably transmitted a copy to the government of Mexico, there are documents relating to a subject which has attracted its attention in a very special manner, and respecting which I have received instructions to submit its views to the government of the United States.

The Mexican government, which has always considered as an indispensable condition for the preservation of the independence and autonomy of the American nations the keeping out of them the intervention of the European powers in their domestic affairs, and which, in order to maintain this sacred principle intact, to-day finds itself involved in a most gigantic war with one of the most powerful and most warlike nations of Europe, cannot see with indifference the events occurring in other portions of the American continent, and from which there may result, sooner or later, an European intervention in these countries.

The fate of the nations of America is bound together in such a manner that if the encroachments of the despots of Europe should succeed in one of them, it would scarcely be possible to prevent their being extended to all of them. Upon this subject the opinion of the government of Mexico is in full accord with the traditional policy of the United States.

In the opinion of the government of Mexico, the result could have been none other than that of an European intervention, if the proposal which the United States made in June last to the cabinets of St. James and the Tuilleries, to send land forces to the isthmus of Panama, with a view of protecting the neutrality of the isthmus, had been accepted by the governments of Great Britain and France.

Events have come to demonstrate, in a manner which does not admit of reply, that neither the tranquillity of that region was changed, nor its transit interrupted, because of its occupation by the forces of General Mosquera, who, at that time, was already in possession of Bogota, the capital of New Granada, and who had overthrown the constitutional government of that confederation.

The petition, (request,) therefore, on the part of the late representative of the Granadian confederation, that the United States should send forces which should reoccupy for his party the possession of the isthmus, under the plea that if it fell under, or remained in, the power of General Mosquera, the security of the isthmus would not be sufficiently protected, had, it seemed, no other object than to cause

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the plague of a foreign intervention to recoil upon his own country, in order that, through its aid, the party which had been overthrown might thus re-establish itself into power.

The pretexts which the Mexican emigrants residing in Europe adduced to the courts of Paris and Madrid were no less inadequate to bring about a similar result in Mexico, and which determined three of the nations of that continent to sign the treaty of London of the 31st of October, 1861, which unchained against Mexico the present war with France, and the calamities resulting therefrom.

The government of Mexico has, for this same reason, seen the last resolution of the President of the United States upon this subject, which you communicated to Mr. Dayton, in the despatch No. 215, of September 15, 1862, (page 381 of said correspondence,) in which the danger of an European intervention in New Granada is made to disappear, with a satisfaction as great and as sincere as its alarm would have been intense and profound, in the event of a contrary determination.

I avail myself of this opportunity to renew to you, sir, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, March 20, 1863.

SIR: The undersigned, Secretary of State, has the honor to acknowledge the receipt of a note from his excellency Señor Matias Romero, which bears the date of the 19th March instant, and alludes to a correspondence which occurred during the last year between his excellency Senor P. A. Herran, minister plenipotentiary of the republic of New Granada, and the government of the United States, affecting the security at that time of the Panama railroad transit route in New Granada.

While the United States not only have no disposition to controvert the general views of the government of Mexico in regard to foreign intervention in the political affairs of the American states on this continent, but freely confess their sympathy with these views, as they are communicated by Mr. Romero, the undersigned, nevertheless, feels obliged to express his regret that a misapprehension, doubtless unintentional, of the character of the correspondence referred to, has seemed to the Mexican government to render it necessary to direct that communication to be made.

The undersigned avails himself of this occasion to offer to Mr. Romero the assurance of his distinguished consideration.

WILLIAM H. SEWARD.

Señor Don MATIAS ROMERO.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, March 21, 1863.

SIR: The undersigned, chargé d'affaires of the United Mexican States, has had the nonor to receive the note which the honorable William H. Seward, Secretary of State of the United States of America, was pleased to address to him

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under date of yesterday, in reply to the one which the undersigned placed in the hands of the honorable Mr. Seward, at the interview which he had with him on the nineteenth of the present month, in relation to the proposition made last year by the United States to the governments of Great Britain and France, with the object of protecting the security of the transit across the isthmus of Panama, which the government of the United States believed to be in danger in consequence of the political events which then occurred in New Granada.

The undersigned has seen with the liveliest satisfaction that, according to the expression of the honorable the Secretary of State, "the United States have not only no disposition to controvert the general views of the government of Mexico in regard to foreign intervention in the political affairs of the American states on this continent, but freely confess their sympathy with these views, as they are communicated by the undersigned to the Department of State in his note aforesaid."

The satisfaction of the undersigned has been still the greater, upon seeing that the honorable the Secretary of State considers as a groundless fear the uneasiness which the government of Mexico felt on receiving notice of the proposition made by the United States to the cabinets of Saint James and the Tuilleries, believing that if it were accepted it would lead to a foreign intervention in the domestic affairs of New Granada; for this shows, in the opinion of the undersigned, that, although the result of such a proposition might have been that which the government of Mexico feared, the United States were very far from desiring it, and were looking for another wholly distinct.

The undersigned will with pleasure hasten to send a copy of the note of the honorable the Secretary of State to Mexico; and he does not doubt that it will be viewed by his government with the utmost and most sincere satisfaction; and that it will finally set at rest the fears which had been entertained in view of the proposition hereinbefore alluded to.

The undersigned believes it to be his duty to express to the honorable the Secretary of State how greatly he regrets that the communication which the undersigned made to the United States, by order of his government, should have been received with regret by the honorable the Secretary of State, who laments that the government of Mexico should have thought itself under the necessity of making such a communication. The gravity and great importance of the question of intervention, from the favorable result of solution, which to the nations of America now depends not only the welfare, but the independence itself of Mexico, the undersigned believes are motives which authorize the government of Mexico to respectfully manifest its views to the United States upon a point in which all the other nations of this continent are equally interested with themselves.

The government of Mexico must, therefore, have considered itself authorized (entitled) to make such a manifestation, especially when it was made expressing the pleasure, as heartfelt as it was sincere, with which the Mexican government had learned of the final determination of the President of the United States upon this subject.

The undersigned avails himself of this opportunity to renew to the honorable William H. Seward, Secretary of State of the United States, the assurances of his most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

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Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION,
Washington, April 15, 1863.

The undersigned, chargé d'affaires of the United Mexican States, had the honor to receive, with the note which the Hon. William H. Seward, Secretary of State of the United States, was pleased to address to him on the 13th of March last past, the copies therein enclosed of two despatches and their annexes, addressed by Rear-Admiral Wilkes to the Navy Department of the United States in regard to the steamer Noe Daqui.

Since then there have come into the hands of the undersigned the official documents relating to the same affair, which were sent to him by the governor of Yucatan, which exhibit in full detail what happened at the island Mugeres in the affair of said steamer.

After a minute examination of these documents, and of the circumstances of the case, the undersigned regrets he finds himself obliged to consider the conduct of Rear-Admiral Wilkes as aggressive to the sovereignty of the Mexican nation, which to a certain extent the said rear-admiral admits in his despatch No. 5, of the 18th of January last, although endeavoring to extenuate the enormity of the violation of the rights of Mexico.

From the report which the governor of Yucatan made to the minister of foreign relations of Mexico under date of the 23d of February last, of which the undersigned transmits a copy, it appears that as soon as the said governor received intelligence that a steamer was at anchor at the island Mugeres, whose movements caused suspicion, and that she proved to be the Noe Daqui, he commissioned Don Nicolas Urcelay, captain of the national guard, to go to that place with an armed force, in order to capture the steamer, and notified the court of the district of Yucatan for its information, and that it might order such measures as it deemed proper in the case.

This determination appears by the despatch addressed by the governor of Yucatan to the district judge, the 10th of December, 1862, of which the undersigned sends copy. By this action the steamer was from that moment subject to the jurisdiction of the said tribunal.

Captain Urcelay arrived with his force at island Mugeres, and took possession of the steamer without any resistance, hoisted the Mexican flag on her, and sent the crew under arrest to Sisal, whence they were sent to Merida at the disposal of the governor of the state, who turned them over to the district judge, who was already cognizant of the affair, when Captain Ureelay, in carrying out the decision of the district court, of which the undersigned encloses a copy, attempted to take the Noe Daqui, together with the Spanish schooner Pepita, which had come from the Havana with articles for said steamer, for which reason she also was taken, there appeared in the Mexican waters two ships-of-war of the United States, under the command of Rear-Admiral Wilkes, who took upon him to possess himself of the steamer, alleging that she was intended for the service of the insurgents of the south. Captain Urcelay, in view of the circumstances, coerced by superior force, and assuming authority which he had not, made an arrangement with Rear-Admiral Wilkes, by virtue of which he took charge of the steamer, placing a guard on her, and engaging to restore her as soon as the competent Mexican authority should declare her to be a slaver.

Captain Ureelay left his force on board the steamer, and went to Merida to make report of the proceeding to the district court.

Thus far the undersigned finds accordances at the bottom of the reports of the governor of Yucatan and of Rear-Admiral Wilkes, although they may vary in some details, and although many of the expressions of Rear-Admiral Wilkes are

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as offensive to the dignity and good name of Mexico as they are groundless and unjust. Rear-Admiral Wilkes allows himself to say that Captain Urcelay had neither appointment nor commission; that he gathered an armed force and took possession of the steamer, as if this were done of his own motion and not under instructions from the Mexican authorities. On this point, however, the undersigned cannot doubt that the official declaration of the governor of Yucatan deserves more credit from the government of the United States than the suspicions of Rear-Admiral Wilkes, growing out of what some one or other may have told him.

The rear-admiral relates in this manner what afterwards happened: that he went to Havana to coal, and on his return to the island Mugeres he found no answer had been received from the governor of Yucatan, although the fixed time of *ten days*, which he assures us was settled in the agreement to receive such reply, had expired; that he sent Commander Stevens in the United States steamer Sonoma to Sisal for the purpose of ascertaining the cause of delay in proceedings which had been set on foot for ascertaining whether the Noe Daqui was engaged in the slave trade. The rear-admiral continues, "In such case," (that it were not proved that she was engaged in such traffic,) he notifies Commander Stevens that he must inform the authorities that "I did not consider myself bound any further by the agreement, the time having expired, and that I should act as if the vessel was * * * confederate, laden with contraband of war, and with intent to run the blockade, and if she succeeded in this, would probably be armed as a confederate corsair," for which he thought her well adapted.

In this alone there is, in the opinion of the undersigned, cause more than sufficient to regard the conduct of Rear-Admiral Wilkes not only as contrary to the teachings of international law, but as an open violation of the sovereignty of Mexico.

The undersigned does not believe that it can possibly be doubted that the island *Mugeres* belongs to Mexico—that the bay in that island where the Noe Daqui was fallen in with is among the territorial waters of the republic—still less that sovereignty over the territorial waters of a nation belongs wholly to its government. As little can the undersigned believe the fact can be questioned that on the coming of Rear-Admiral Wilkes into the waters of island *Mugeres*, the Noe Daqui was subjected to the jurisdiction of the Mexican tribunals, which placed her doubly under the shield of the Mexican sovereignty.

Under these circumstances, the taking possession of the steamer by forces of the United States is a proceeding which the undersigned permits himself to call highly irregular.

In the agreement, by virtue of which Rear-Admiral Wilkes took possession of the Noe Daqui, it was stipulated that she should rest at the disposal of the Mexican authorities, alone competent in the matter. The literal words of said agreement, of which the undersigned has the honor to transmit a copy, are as follows: "It is stipulated * * * that for the better security and protection of the steamer now at this place, of her cargo, and property on board of her, Admiral Wilkes shall take possession of her with a sufficient guard until the Mexican government may decide what is the character of said steamer, and whether or no she be a slaver; and if the government decide that she is, then the steamer shall be delivered to the Mexican government." The rear-admiral asserts that the term within which the decision was to be made was ten days; and even excluding the idea that had a time been limited, it would have been an absurd stipulation. Such a term was not stipulated in the so-called agreement; for although in the second clause of such paper the expression *ten days* is mentioned, it is done with reference to the schooner Pepita, and indicating only that Rear-Admiral Wilkes would return from the Havana within the period mentioned. Rear-Admiral Wilkes, by giving, without doubt, a most forced interpretation, which

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nothing can justify, to the clause mentioned, adopted this pretext to keep the steamer, and sent to Sisal to Commander Stevens that he could notify the governor of Yucatan that he could not wait any longer time for the solution of the culpability or inculpability of the steamer; that he did not consider himself any longer bound by the compromise he had made with Captain Urcelay, as well because of the delay specified, as because such agreement had been violated by depredations which he averred had been committed on the cargo of the schooner Pepita, in care of a force of Captain Urcelay's which had taken possession of the schooner; that he had the certainty that the steamer was destined for the service of the insurgents; that there was no reason for regarding her as a slaver, and he had resolved to make her prize of the squadron of his command.

Commander Stevens did not go to the place where the governor of Yucatan was—absent at the time from the capital of the state; he contented himself with sending him a communication, and without awaiting any answer, went back to island *Mugeres*. Immediately after the return of Commander Stevens, Rear-Admiral Wilkes made out that he left the steamer absolutely at liberty; he made the crew take her outside of the Mexican waters and raise the insurgent's flag, captured her, and ordered her to Key West, leaving the schooner Pepita, (after having taken her cargo into possession,) which was afterwards taken to Sisal. The accuracy of these acts is confirmed by the relation Rear-Admiral Wilkes gives of them in his despatch No. 5, as cited.

After this narrative, proved by official documents, and even by the despatches of Rear-Admiral Wilkes, there can be no question the said Rear-Admiral violated the sovereignty of Mexico by taking from under it, through devices unworthy an officer of his rank, a prize that was in subjection to the jurisdiction of the Mexican courts, and attempting previously to impose terms and a rule of conduct, at his pleasure, upon those very tribunals.

It is not hidden from the undersigned that Rear-Admiral Wilkes alleges in justification of his inexcusable conduct that the Noe Daqui was a confederate vessel that was to run the blockade of the southern ports, and that there was no proof at all that she was engaged in the slave trade. Excluding from view that the Mexican courts were those alone which could make such a declaration, the undersigned cannot abstain from noting the contradiction into which Rear-Admiral Wilkes falls by saying in his cited despatch that the bay of island *Mugeres* is a point frequented by slavers, and that, undoubtedly, the Noe Daqui had been in the trade. Moreover, the undersigned believes it to be his duty to state to the government of the United States that not only the charge of being a slaver weighed against the Noe Daqui, but also that of having violated the revenue laws of the Mexican ports, on both which accounts the proper proceedings at law were being taken.

The honorable Secretary of State appears to entertain the same opinion as Rear-Admiral Wilkes in respect to the Noe Daqui being the property of southern insurgents, and intended to run the blockade, as appears in the note which he did the undersigned the honor to address to him, dated the 6th of March. But in such event, if fully established, and further, even in case the vessel had been armed for a cruise by the rebels, Rear-Admiral Wilkes should not have arrogated the powers which he took. His duty would have been to await the sentence of the courts of Mexico, and if in virtue of such the steamer were set at liberty, to arrange for her capture when she should have left the territorial waters of Mexico.

Rear-Admiral Wilkes, moreover, usurped powers inherent to the national sovereignty of Mexico, in taking depositions and exercising judicial acts on Mexican territory, in flagrant violation of the laws of the republic.

The said rear-admiral did not confine himself to committing violations referred to, but also took possession of the schooner Pepita, which Captain Urcelay had previously taken possession of with a Mexican force. He landed, and abusing

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his power, took the crew which the Pepita had brought from the Havana for the Noe Daqui, and which was under detention by the Mexican authorities, and subject to the orders of the proper courts.

In recapitulation, Rear-Amiral Wilkes has violated the rights of Mexico—

1st. By having taken possession, within Mexican territory, of a vessel held subject to the jurisdiction of the Mexican courts.

2d. In not having allowed the sentence of the Mexican court in relation to the transfer of the Noe Daqui to the port of Sisal to be carried into effect.

3d. In having deceptively taken the said steamer out of the jurisdiction of the Mexican courts.

4th. In having imposed terms on the Mexican courts.

5th. In having exercised in Mexican territory judicial acts of the competency exclusively of Mexican authorities.

6th. In having taken possession of the schooner Pepita, which was in Mexican territory, held by Mexican soldiers, and subjected to the jurisdiction of the Mexican courts.

7th. In having, by force, taken possession of the crew brought from the Havana by the schooner Pepita for the Noe Daqui, which was in Mexican territory, and subject to the Mexican courts.

The undersigned cannot doubt for a moment that when the government of the United States has intelligence of the facts referred to, and the full proof by which they are accompanied, it will hasten to give to Mexico all the satisfaction she is justly entitled to for the offences committed against her sovereignty and clearest rights by Rear-Admiral Wilkes.

The undersigned profits by the occasion to repeat to the honorable William H. Seward, Secretary of State of the United States, the assurances of his most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Corwin to Mr. Seward.

No. 40.] LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, April 16, 1863.

SIR: The American consul here having a leave of absence, the government here, as a *special favor*, have permitted me to send by him despatches to my government, and letters to my friends. He will deliver them at Washington.

Your despatches up to No. 66 have been received. A few days since I had an interview with the Mexican secretary of foreign relations. He expressed much satisfaction at having received from Mr. Romero a note, saying that no trade from the United States would hereafter be permitted, in articles useful in war, to either France or Mexico. This, I think, will probably soothe the irritation occasioned by the correspondence with Mr. Romero, which you forwarded to me, and which was delivered by me to the state department here.

The progress of the French war presents puzzles to all not in the cabinet secrets of the Emperor. It is conceded that he wishes to take Puebla. He has been before that city just one month. It has not surrendered. He has taken Fort St. Javier, said to be the weakest of those which protect the city, and, from that point, has made a lodgment within the walls, occupying six blocks in that suburb. According to our intelligence, any attempt made to advance has been repulsed; in one a company of Zouaves was captured by the Mexican forces.

If the French *wish* to capture Puebla, the reason why it is not done seems to be because, with their present force, they cannot. Re-enforcements from France, to the number of 3,000 or 4,000, lately landed at Vera Cruz, are now on their

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march to join the army at Puebla. It is surmised that General Forey waits for the arrival of these troops, and will, when they reach him, make a more vigorous assault.

The Mexican people greedily devour every article of news from Europe. They hope a rupture will take place touching the further occupation of Rome by French troops, or by the Polish disturbances on the further occupation of Venetia by Austria; but, as far as I can learn, their last and surest hope lies in the establishment of our old Union, which they believe would exert a controlling influence against the occupation of this country by any monarchy of Europe.

I send duplicate despatches of those recently despatched by the Acapulco route, as the transit from here to Acapulco has proved hitherto unsafe.

Your obedient servant,

THOMAS CORWIN.

Hon. WILLIAM H. SEWARD,
Secretary of State, U. S. A., Washington, D. C.

Mr. Seward to Mr. Corwin.

No. 72.] DEPARTMENT OF STATE,
Washington, April 18, 1863.

SIR: I have submitted to the President your very interesting despatch of the 11th of March, (No. 39,) with its accompaniments.

While the misapprehension by the government of Mexico of the proceedings of the United States in regard to the question of shipments for Mexico, which you describe, is regretted by the President, he does not suffer himself to doubt that it will give way before the clear explanations which have been made upon the subject to the representative of Mexico here, and of which you have been advised.

Your proceedings with relation to the request of the late Prussian minister at Mexico, that you would assume the protection of subjects of the King of Prussia and of other European powers in that republic, during the suspension of the several European legations there, are approved by the President. The first responsibility of a minister is to practice fidelity to the interests of the state whose credentials he bears; the second is the exercise of perfect good faith, respect and courtesy to the government of the country to which he is accredited. A minister is not only at liberty, but he is morally bound, to render all the good offices he can to other powers, and their subjects, consistently with the discharge of those principal responsibilities I have described. But it belongs to the state where the minister resides to decide, in every case, in what manner and in what degree such good offices shall be rendered, and, indeed, whether they shall be tolerated at all. No abridgment of this sovereign right can be insisted upon, unless, indeed, the government of that state manifestly refuses to acknowledge or to give effect to some of the entirely admitted principles of morality, recognized as constituting the basis of the laws of nature and the law of nations. Not only has this government no such complaint to make against Mexico, but, on the contrary, in all its intercourse with that republic, it has been impressed with the evidences of a high degree of virtue and enlightenment. That government deservedly enjoys not only the respect but the good wishes, and, so far as natural affections are allowable, the sympathy of the United States in its present unhappy embarrassments with foreign powers. The President, therefore, remits you, for your government in regard to the

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questions presented, to the rules you have prescribed to yourself, so long as they shall be satisfactory to the government of Mexico.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS CORWIN, Esq.

Mr. Corwin to Mr. Seward.

[Extract.]

No. 41.] LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, May 1, 1863.

SIR: * * * * * * * * * *

In relation to public matters here, nothing has occurred to change the general aspects since my last letter to the department. The French army, under General Forey, has been before Puebla for forty-five days. It has obtained possession of one fort (St. Javier) and five or six blocks of the city, in the neighborhood of that fort. Small detachments of troops are reported, from day to day, to be fighting in houses and streets, hand to hand, with the Mexican troops under Ortega, within the city, whilst General Comonfort, with a force of about 15,000 of all arms, is at or near San Martin, a short distance from Puebla. The French forces under Forey are estimated at 22,000 effective men. It is a question with military men, whether the French will ever take Puebla without further re-enforcements from France. Rumor, and perhaps extracts from French papers, promise still further troops from France, but I believe there is not yet anything certainly known here as to these rumored re-enforcements.

Your obedient servant,

THOMAS CORWIN.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Corwin.

No. 74.] DEPARTMENT OF STATE,
Washington, May 12, 1863.

SIR: In February last, Mr. Romero, chargé d'affaires of Mexico, brought to my attention certain complaints which had been made to him by the Mexican consul at Brownsville, Texas, and the vice-consul at Franklin, New Mexico, of forcible impressments of Mexican citizens, residing in the Territory of New Mexico, into the military service of the United States. The subject was immediately laid before the Secretary of War, whose reply was communicated to Mr. Romero on the 2d of April, and by him, doubtless, transmitted to his government.

The Secretary of War has, by a letter of the 5th instant, received to-day, laid before me a copy of a communication addressed to the general-in chief by Brigadier General Carlton, commanding in New Mexico, upon the same subject, a copy of which I enclose to you, as Mr. Romero has taken leave of the government and is now *en route* to his home.

You will be pleased to communicate a copy of this document to the Mexican government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS CORWIN, Esq., *&c., &c., &c., Mexico.*

Mr. Seward to Mr. Corwin.

No. 77.] DEPARTMENT OF STATE,
Washington, May 22, 1863.

SIR: I enclose, herewith, a copy of a despatch, dated the 4th of March, from the United States consul at Matamoras, and a translation of the order referred to, which points out the practical discrimination in favor of the rebels in Texas, and of their illicit traffic across the frontier resulting from that order.

I have to request you to invite the attention of the Mexican government to this cause of complaint, and to request the adoption of such measures as will correct the evil.

The attention of Rear-Admiral Farragut has been called by the Secretary of the Navy to the suggestion of Consul Rice, as to the importance of having a vessel-of-war in that quarter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS CORWIN, Esq., *&c., &c., &c., Mexico.*

Mr. Seward to Mr. Corwin.

No. 78.] DEPARTMENT OF STATE,
Washington, June 8, 1863.

SIR: Your despatch of May 1 (No. 41) has been received, and your proceeding in relation to the case of Ignacio Loperano, as therein reported, is approved.

The French steamer, which arrived at New York from Havana last week, surprised the country with the news of the surrender of Puebla, with the whole of the Mexican garrison, to the French army of occupation, after the defeat of General Comonfort in a movement which he was making for the relief of that town. Assuming this information to be true, the condition of affairs in Mexico is supposed to have become by this time exceedingly critical.

I regret that I am unable to give you any definite information concerning military events in our own country. You will have already learned of the active operations which have been instituted by General Grant and General Banks upon the Mississippi. We are awaiting the results with much anxiety. The tone of the public mind is generally pure, and the confidence of the country in our financial system is perhaps the best possible evidence of the confidence of the people in the ultimate success of the government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS CORWIN, Esq., *&c., &c., Mexico.*

Mr. Seward to Mr. Corwin.

No. 82.] DEPARTMENT OF STATE,
Washington, August 8, 1863.

SIR: Your very important despatch of the 26th of June has been received. It confirms the information, otherwise received, that the French army has entered and occupied the capital of Mexico, and that a provisional government has been inaugurated there, under the protection of the imperial forces; that the Mexican government, to which you were accredited, has retired to the city of San Luis Potosi, and established itself at that place; and that the country

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is now divided between two governments, which still remain in hostile attitude. The President is inclined to approve the decision you made in declining, under the circumstances, the invitation of the Mexican government to leave the ancient capital and to repair to San Luis.

What would be the most convenient and favorable position for the legation, with reference to the protection of American rights in Mexico, is a question that depends much on contingencies of war, which, though they may be imminent, cannot, at least at this distance from the theatre of conflict, be anticipated. It is not perceived how you could effectually assert those interests at the present moment by representations to the government at San Luis, which is cut off from communication with the legation, while, on the other hand, you will not be expected to address yourself, under present circumstances, to the new provisional government which bears sway at the capital.

The President fully appreciates the great and unwearied labors you have performed in your mission, and the circumstances which render a temporary relief from them desirable on your part. He has thought that, probably, the present juncture, when things in regard to the future of Mexico are depending on dispositions and events there, with which a minister of a foreign and friendly power cannot lawfully interfere, may, perhaps, be the most suitable one for the allowance of the indulgence which you have asked. But he desires to leave this point to your own better-informed discretion. You will, therefore, have leave of absence, to begin at such time as you may think proper after this communication reaches you, and may return to the United States to confer with this department, and to await the further directions of the President. You will make such arrangements for the custody of the archives and the transaction of the mere routine duties of the legation during your absence as shall seem expedient.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS CORWIN, Esq., *&c., &c., Mexico.*

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BRAZIL.

Mr. Seward to Mr. Webb.

DEPARTMENT OF STATE,
Washington, October 21, 1862.

SIR: Your despatch of August 23 (No. 22) has been submitted to the President.

The incidents which you have given to illustrate the relations between Brazil and European powers are interesting and instructive.

You will already have received the instructions concerning four insurgent vessels at Rio Janeiro, which you seem to have been expecting at the time when your despatch was written.

Your further proceedings in that case as reported are approved.

The President approves, also, your prompt and energetic proceedings in regard to the officers of the Palmetto, and he will not suffer himself to doubt that the Brazilian government will promptly yield the satisfaction which you have so peremptorily claimed, if the facts, as presented to you, shall not be successfully controverted.

In conclusion, I have the pleasure of assuring you that the vigilance, activity, and energy with which you are discharging the responsibilities of your important mission are recognized and gratefully acknowledged by the President.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq.

Mr. Seward to Mr. Webb.

DEPARTMENT OF STATE,
Washington, October 21, 1862.

SIR: I recur to your despatch No. 22, for the purpose of noticing your suggestions in regard to domestic affairs.

As misfortunes seldom come singly, so the reverses which befel the national arms at Richmond proved to be the beginning of a series of grave disasters, and of even more serious alarms. The campaign begun by the insurgents with the design of securing the loyal border States, and even threatening the loyal free States, and thus obtaining the capitulation of Washington, was prosecuted with so much secrecy and reserve that its details were not even fully understood in this country before its failure occurred. The conspirators were more communicative in Europe. They had awakened the most sanguine expectations of success in political circles on that continent, and the government here was favored with persuasions to adapt itself to the altered fortunes which were before it, and study how to obtain a possible substitute for the Union and the blessed institutions which were to be forever lost. The President met the new emergency as you have already seen. It is believed that the insurrection has at no time been so weak, or the Union so strong, as it is now.

We are still hearing of intrigues abroad for recognition or for intervention,

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but they do not disturb the public confidence. The laxity shown by the British government in enforcing, or rather in failing to enforce its proclaimed neutrality, is producing fruitful and annoying discontents.

We are building a navy with all the despatch that ample resources, materials, and labor can secure. Nevertheless, we are obliged to bear many misfortunes and endure some painful humiliations that cannot be prevented, because we cannot increase that despatch.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq.

Mr. Seward to Mr. Webb.

No. 48.] DEPARTMENT OF STATE,
Washington, December 26, 1862.

SIR: Your despatch of November 7 (No. 28) has been received. Your note written to the Marquis d'Abrantes on the subject of a proposed international arrangement of postal communication is approved.

Your proceeding in submitting to the minister for foreign affairs a copy of my circular relative to the President's proclamation of the 23d of September is approved. There are passages, however, in the note which, on that occasion, you addressed to the Marquis d'Abrantes, which show that you did not apprehend exactly the character of the proclamation; and, of course, some of your remarks resulting from that misapprehension would require qualification. To this extent the President does not desire to be regarded as approving of your note to the Marquis d'Abrantes. And, indeed, he thinks it prudent to limit his approbation of that paper by the extent in which it accords with the circular upon which the note is a commentary. The President, at the same time, satisfied of your good faith, loyalty, and zeal, directs that it shall be left to your own discretion in what way to make the explanations to the Marquis d'Abrantes which this despatch renders necessary.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq.

Mr. Webb to Mr. Seward.

[Extract.]

No. 42.] LEGATION OF THE UNITED STATES,
Petropolis, March 9, 1863.

SIR: The British steam packet Magdalena arrived on the evening of the 5th, bringing despatches Nos. 46, 47, 48, 49, and 50; and circulars Nos. 14 and 29.

I immediately enclosed to the secretary of foreign affairs a copy of despatch No. 49, and took occasion to cancel so much of my despatch to the Marquis d'Abrantes, in relation to the President's proclamation of the 22d of September, as conflicted with the spirit of that all-important document, and of which I most cordially and unreservedly approve.

The copy of my despatch enclosed herewith will, I trust, prove satisfactory,

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as it certainly is intended to demonstrate that all that has been done in the way of manumission is in strict compliance with the Constitution and the law.

* * * * * * * * *

I have the honor to be, very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Webb to the Marquis d'Abrantes.

LEGATION OF THE UNITED STATES,
Petropolis, March 7, 1863.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to enclose to his Excellency the Marquis d'Abrantes, counsellor to his Majesty the Emperor, minister and secretary of state for foreign affairs, a copy of a circular from the Secretary of State of the United States, bearing date the 3d January, 1863, enclosing a proclamation, issued by the President of the United States on the 1st of January, 1863, giving freedom to the slaves held in bondage by the States, and parts of States, in insurrection against the United States on that day. This proclamation was issued in conformity to the pledge contained in the proclamation from the same high source bearing date the 22d of September last, and was resorted to by the Executive as a military necessity. The Constitution gives the President of the United States no right to abolish slavery in those States where it exists under the local law; but both the Constitution and the law invest him with extraordinary powers to put down insurrection, punish traitors, and suppress rebellion; and it was in the legitimate exercise of this necessary war power that the proclamations of the 22d of September and 3d of January were issued, and will produce such mighty results upon the future destinies of the United States. *Slavery* can only be abolished, under the war power with which the President is clothed, in those districts of the country in open rebellion against the United States. Consequently, it is not abolished in the more northern slave States of Delaware, Maryland, Missouri, Kentucky, and Tennessee, and in certain portions of Virginia and Louisiana. Therefore, the attention of the undersigned has been called to the fact that he committed an error, or wrote hastily, when he said, as he did in the copy, sent to Washington, of his note to your excellency of the 3d of November last, that the proclamation of the 22d of September "*manumits on the first of January next all the slaves in the United States.*"

The phrase should have read "*virtually* manumits on the first day of January next all the slaves in the United States;" and if the word "*virtually*" is engrossed in the copy of the despatch sent to your excellency, it is well; if not, it should be substituted; because the Executive of the United States never claimed, and has never attempted to exercise, the power of manumitting slaves, except where their masters were in open insurrection, and their property thereby had, under the law and the Constitution, become forfeited to the government of the United States.

The slave population of the United States, by the census of 1860, was 3,953,760; and in round numbers may be put down at *four millions*. The circular from the State Department, herewith enclosed, communicates the pleasing intelligence, that by the proclamation of the 1st of January, 1863, "the number of slaves thus restored to freedom is about three and one-half millions," or *seven-eighths* of the whole number. And thus, that proclamation "virtually" gives freedom to all; because the moral effect of thus confiscating,

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and, as a war measure, emancipating *seven-eighths* of our slave population, secures the freedom of the remaining *one-eighth* by purchase from their owners.

I have, also, the honor to enclose a circular from the Postmaster General of the United States, naming the 2d Monday in May next as a convenient day for the meeting *at Paris* of the International Postal Convention, and I am instructed to invite the special attention of the Brazilian government to this interesting subject.

The undersigned avails himself of this occasion to reiterate to your excellency his sentiments of respect and most distinguished consideration.

J. WATSON WEBB.

His Excellency the MARQUIS D'ABRANTES,
Councillor to his Imperial Majesty, &c., &c.

Mr. Webb to Mr. Seward.

[Extracts.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 7, 1863.

SIR: The English steamer brought me despatches from our consul at Pernambuco, copies of which I enclose, marked 1 and 2. These came to hand by the second delivery on Monday evening.

* * * * * * * * *

Before retiring to rest, I addressed to the Marquis d'Abrantes the despatch marked No. 3; and after it had been copied, on Tuesday morning, I took it in person to the foreign office. I saw the under secretary, who informed me that the president of Pernambuco had reported to the government the proceedings of the Alabama at Fernando de Noronha, and that I would probably find the Marquis at the chamber of deputies. I accordingly drove to the chamber, where, after great delay, I ascertained that he had gone to his residence on Botofoga bay, some four miles distant, complaining of indisposition.

* * * * * * * * *

We met at four o'clock, and after listening to my representations, in the course of which I pointed out the *animus* of the English consul, in furnishing our consul with a copy of his report from the officers of the Oneida, which was calculated to excite ill blood between the United States and Brazil, he heartily expressed his regret at what had occurred, and his determination to have written me a note in anticipation of receiving one from me; in which note he intended to express the determination of the government to remove and otherwise punish the offending governor of Fernando de Noronha. I expressed my satisfaction at this; and said I had refused to comply with the request of the under secretary to leave the despatch at the foreign office, because I anticipated the willingness of the government to act without prompting, in which case I could abstain from giving him the despatch, and, therefore, had opened it myself, and obtained his consent to read it to him in advance, in order that I might withdraw it in case he was prepared to take the initiative; and I, accordingly, offered to retain my despatch and assume that I had not written it. He said "No; your despatch makes no claim at present, but leaves the whole question to the justice of Brazil; a compliment which we appreciate, and I will lay it before his Majesty the Emperor."

I then informed him that it was my intention to have returned to Petropolis on that day. And as it was not possible to return until I had received an official communication from him on this subject, and forwarded it to you, I indulged the hope that he would give me his reply to my despatch at his earliest

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convenience. He assured me it should be in my possession last evening. It failed to arrive, however, and at 9 o'clock this (Thursday) morning I was again at his house on Botofoga bay, determined to have an interview with him before he went to his office or the senate, or chamber of deputies, where he is in attendance daily, there being a kind of ministerial crisis pending, and it being the right and duty of ministers to speak in both houses in defence of their measures.

He laughed at my pertinacity in persisting in having his reply in possession at once, and promised it for this evening.

It was whispered to me that a Brazilian coasting steamer arrived last evening from Pernambuco, with two days' later news, which was the cause of my not getting a despatch last night. I know not how this may affect the question; but if the facts on investigation turn out as represented, I have not a doubt in regard to the action of the imperial government.

THURSDAY, 4 *o'clock p. m.*

I received the promised despatch at 1.35 p. m., instead of 11 a. m., and immediately came to the city and had it translated by the consul's clerk, and enclose it herewith, marked No. 4. You will perceive it covers the whole ground, and that the officer in command has been removed, in consequence of an investigation into the affair, made by the president of the province of Pernambuco. It is only just to the imperial government to bear in mind, that previous to any such formal investigation, and upon the mere *prima facie* aspect of the case, and general rumor, the commandant's removal was determined upon and reported to me.

I shall, of course, address a letter to the government immediately on my return to Petropolis, acknowledging the receipt of the Marquis d'Abrantes's despatch, and thanking him for the promptness which the imperial government has exhibited in punishing one of its officials for his neglect of duty, and I hope in due time to receive from you a despatch on this subject, to be sent to the foreign office.

* * * * * * * * *

I have the honor to be, very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, &c.

No. 1.

Mr. Adamson to Mr. Webb.

UNITED STATES CONSULATE,
Pernambuco, April 27, 1863.

SIR: I am under the very painful necessity of announcing to you the destruction, by the pirate Alabama, of six American vessels.

The very short time between this and the sailing of the English mail packet will prevent me from giving you the full particulars. I can only say now, that the Brazilian schooner Sergipano arrived here yesterday from the island of Fernando de Noronha, with sixty-one persons on board as passengers, being the officers and crews of the schooner Kingfisher, of Fairhaven, ship Nora, of Boston, ship Charles Hill, of Boston, and ship Louisa Hatch, of Rockland, Maine. The crews of these vessels are under my protection.

The schooner Kingfisher was a whaling vessel of 121 tons burden. She was captured by the Alabama on the 23d of March off Fernando de Noronha.

The ship Nora was captured on the 25th of March, latitude 1° 23′ north, longitude 26° 30′ west.

The ship Charles Hill was captured at the same time and place.

The Louisa Hatch was taken on the 4th of April, latitude 3° 13′ south, longitude 26° 18′ west. The first vessel had about thirty barrels of oil on board.

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The second was from Liverpool, bound to Calcutta, with 1,520 tons salt.

The third was from Liverpool for Montevideo, with 999 tons salt; and the fourth was from Cardiff, bound for Point de Galle, Ceylon, laden with 1,033 tons of coals for the P. & O. & Co.

The pirate stripped the vessels of their small stores, chronometers, &c., took all the money from the captain, about 280 tons of coal from the Louisa Hatch, and then burned the vessels.

From the 10th to the 16th of April the Alabama was in the port of the island of Fernando de Noronha; during this time, viz., on the 15th of April, the Alabama captured in Brazilian waters two other American vessels, viz., the brig Kate Corning, of Westport, and the Lafayette, of New Bedford. These vessels were touching for supplies. The Alabama went out and seized them within two miles of the shore. The pirate set fire to and destroyed the Lafayette immediately. He towed the Kate Corning to the anchorage, which constitutes the only harbor of the island, and, about four days after, took her out in company with the Louisa Hatch and burned both, and this within two miles of the shore.

Comment is quite unnecessary. It is impossible to say what complications may arise from these circumstances, and I would, therefore, be happy to receive any advice you may have to offer.

I remain, with the highest regard, your obedient servant,

THOMAS ADAMSON, JR., *Consul.*

JAMES WATSON WEBB, Esq., *&c., &c., &c.*

PERNAMBUCO, *April* 27, 1863.

THE ALABAMA.—We have just had news of this famous privateer by a vessel from Fernando de Noronha, off this coast. She has captured and burned the following federal ships: Kingfisher, Thomas E. Lambert, on 23d March; ship Charles Hill, Percival, on 25th March; ship Nora, C. E. Adams, on the same day; ship Lewis Hatch, Wm. Grant. This last ship was proceeding from Cardiff to Point Galle, consigned to a French company with coals. The brigantine Kate and the Lafayette were taken on the 17th.

It seems that the captain (Semmes) and the governor of Fernando were mutually polite—exchanging visits, and driving out together. The captain bought everything of which he stood in need, and landed his prisoners. The Kate and the Lafayette were taken on the 17th, close to the island. The masters of these vessels, suspecting nothing, had taken their boats ashore to water, and from the shore witnessed the burning of their ships. They say that the governor protested against this act being committed in Brazilian waters.

Sixty-two prisoners have been landed here, (Pernambuco,) and forty-four were remaining on the island. Eleven Englishmen had entered for the privateer.

The foremost men of the captured vessels were put in irons whilst on board the privateer, and lost whatever money they may have had, but were allowed to retain all articles of use, as watches, rings, &c. The masters were allowed to give their parole, but, in reference to property, fared in the same way as the rest of the crews.

No. 2.

Mr. Thomas F. Wilson to Mr. Webb.

CONSULATE OF THE UNITED STATES,
Bahia, April 29, 1863.

SIR: I have this moment learned that the pirate Alabama is off the coast of Brazil, north of Pernambuco, destroying American merchantmen.

Through the politeness of the British consul, of this city, I have been allowed to copy the report furnished him by the officers of the British mail steamer from Southampton, which I herewith enclose you for your information. You will, perhaps, have been furnished by our consul at Pernambuco with the particulars of these recent exploits; but fearing that by some accident you may not have received such information, I lay before you all I have on the subject.

In haste, yours, most respectfully,

THOMAS F. WILSON.

J. WATSON WEBB, Esq.

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No. 3.

Mr. Webb to the Marquis d'Abrantes.

[Extract.]

LEGATION OF THE UNITED STATES,
Hotel dos Estrangeiros, Rio de Janeiro, May 4, 1863.

The undersigned, envoy extraordinary and minister plenipotentiary for the United States, has the honor to inform his excellency, the Marquis d'Abrantes, counsellor to his Imperial Majesty the Emperor of Brazil, minister and secretary of state for foreign affairs, that he has, this evening, received from the consul of the United States at Pernambuco a despatch dated April 27, from which the following are extracts:

"I am under the painful necessity of announcing to you the destruction by the pirate Alabama of six American vessels. The very short time between this and the sailing of the English mail packet will prevent my giving you the full particulars. I can only say now that the Brazilian schooner Sergipano arrived here yesterday from the island of Fernando de Noronha, with 61 persons on board as passengers, being the officers and crews of the schooner Kingfisher, of Fairhaven, ship Nora, of Boston, ship Charles Hill, of Boston, and ship Louisa Hatch, of Rockland, Maine."

* * * * * * * * *

"From the 10th to the 16th of April the Alabama was in the port of the island of Fernando de Noronha, during which time, viz., on the 15th of April, the pirate *captured in Brazilian waters* two other American vessels, viz., the brig Kate Corning, of Westport, and the Lafayette, of New Bedford. These vessels were touching at Fernando de Noronha for supplies. The Alabama went out and seized them within two miles of the shore. The pirate set fire to and destroyed the Lafayette immediately. He towed the Kate Corning to the anchorage, which constitutes the only harbor to the island, and, a few days after, took her out in company with the Louisa and burned both, and this within two miles of the shore."

The United States consul at Bahia, under date of 29th of April, writes the undersigned as follows:

"I have this moment learned that the pirate Alabama is off the coast of Brazil, north of Pernambuco, destroying American merchantmen. Through the politeness of the British consul at this port, I have been allowed to copy the report furnished him by the officers of the British mail steamer from Southampton, which I herewith enclose for your information."

The report alluded to, after confirming the capture and burning of the American ships by the English piratical vessel called the Alabama, which was built in an English port, with English capital, manned and armed by Englishmen, and without ever having been in American waters, either north or south, is now prowling about the ocean and preying upon the unprotected commerce of a neutral and friendly nation, proceeds to say:

"It seems that the captain (Semmes) and the governor of Fernando de Noronha were mutually polite, exchanging visits, and riding and driving out together. The captain bought everything of which he stood in need, and landed his prisoners."

"The Kate Corning and Lafayette were taken on the 17th, close to the island. The masters of these vessels, suspecting nothing, had taken their boats ashore to water, and from the shore witnessed the burning of their ships."

"Sixty-two prisoners have been landed here, (Pernambuco,) and forty-four were remaining on the island. *Eleven Englishmen* had entered for the privateer."

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The undersigned presumes that the government of Brazil has been officially apprized of this outrage on the commerce of the United States, in the waters of Brazil, by the English piratical vessel called the Alabama, an outrage perpetrated, in fact, within one of its harbors, as two of the vessels destroyed were actually at anchor in what constitutes the harbor of Fernando de Noronha; and it would appear from the information furnished, that the governor of that island gave countenance and support to the pirate. He therefore prefers relying upon the justice of Brazil for prompt redress in the premises, to indulging in any comments upon this reported outrage on American commerce, accompanied by a violation of international law; and contents himself, for the moment, by calling the attention of your excellency to the gross breach of neutrality, said to have been perpetrated, by a high official of the imperial government.

In the hope that your excellency will favor the undersigned with a reply to this communication in time to allow him to transmit it to his government by the steamer of the 9th instant, he hastens to avail himself of the present occasion to renew to your excellency the assurance of his great personal respect and most distinguished consideration.

J. WATSON WEBB.

His Excellency the MARQUIS D'ABRANTES, *&c.*, *&c.*

No. 4.

The Marquis d'Abrantes to Mr. Webb.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, May 7, 1863.

By official communication from the president of the province of Pernambuco, the imperial government has been informed that on the 10th day of last month the steamer Alabama, belonging to the Confederate States of America, came to anchor in the harbor of island Rata, near the island of Fernando de Noronha.

A few days after, said steamer captured six whale ships of the Federal States, and burnt two of them, after having taken possession of their cargoes. The crews of these vessels were taken to Recife, capital of the province, by a Brazilian vessel.

The president, being apprized of these facts, ordered immediately an inquiry, all the persons composing the crews of the aforesaid vessels being interrogated. The United States consul, also, made the investigations that he thought necessary.

From these inquiries and investigations it is evident that the captain of the Alabama went several times to the island of Fernando de Noronha, accompanied by some of his men; that he communicated with the commanding officer of the island; and he went ashore several times, in order to supply the steamer with the articles needed, and to land the crews of the captured vessels.

It is also evident that the capture and burning of the vessels took place in the territorial waters of the empire; and, finally, that the commander of the island neglected the duties of his position, as he did not even protest against the proceedings of the captain of the Alabama.

In these circumstances, the president of the province, after having conferred with the United States consul, dismissed the aforesaid commander, and ordered proceedings to be commenced against him.

In this emergency, as there was no means at Pernambuco of stopping the proceedings of the captain of the Alabama, the president immediately solicited from the imperial government the convenient measures, and pro-

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tested solemnly against the proceedings of the said captain, ordering him to leave the territorial waters of the empire within twenty-four hours.

The government of his Majesty has approved of the proceedings of the president of the province of Pernambuco in this emergency, and has taken the necessary measures to repress the outrages of the captain of the Alabama, in order that the neutrality which this empire ought to observe, in this war, may be religiously maintained. Apprising Mr. James Watson Webb, envoy extraordinary and minister plenipotentiary of the United States, of the facts already stated, I flatter myself of having anticipated the desire that he undoubtedly had of being minutely informed of this occurrence; and I also congratulate myself that Mr. Webb will recognize in the proceedings of the imperial government the exact observance of those principles of neutrality to which I have already referred.

I reiterate to Mr. James Watson Webb the assurance of my high consideration.

MARQUIS D'ABRANTES.

J. WATSON WEBB, Esq.

Mr. Webb to Mr. Seward.

[Extracts.]

No. 47.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 23, 1863.

SIR: The European and American mail, by the French steam packet Guienne, reached me on Tuesday evening, the 19th, at 7 o'clock, and brought full reports from our consuls at Bahia and Pernambuco of the doings of the pirates Alabama, Florida, and Georgia, on this coast. By their reports, copies of which they forwarded to the Department of State, I was informed that the Alabama and Georgia were lying in the harbor of Bahia, and receiving the hospitalities of those ports; while the Florida was in Pernambuco refitting and repairing her engine, to enable her to renew her depredations upon American commerce. They also reported that they now had on hand about 250 of crews and passengers of the American vessels captured and destroyed by the pirates; and as the law makes no provision for the support of ship-masters and passengers in foreign ports, they asked instructions from me in relation to the course to be pursued by them now, and under similar circumstances hereafter.

At 6 o'clock on the following morning I was on my way to this city; and at 11.30 was in the foreign office, where I learned that the Marquis d'Abrantes was with the Emperor at the palace of St. Christoval. I called again at 3 p. m., just as the office was being closed, and was informed that he was still at the palace, and that when he left there he would go direct to his residence at Botofoga bay, which is four miles from here, (the United States consulate.) I was at his residence twice during the evening, and left word with his private secretary that I should call at half past eight on the following morning.

* * * * * * * * *

I got at work at 12 m., and at 7.22 p. m. placed in his hands at Botofoga my despatch herewith, marked No. 1. Please bear in mind that this was written, copied, and delivered in person, four miles from here, in my brief time, and that the necessity for accuracy was paramount to all other considerations; and find therein any apology necessary for deficiency in the manner of doing the work.

This morning at a quarter before nine I was again with the marquis, when he assured me he was then engaged in preparing a preliminary despatch, which would be satisfactory, and which I should have in possession late this evening.

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or early to-morrow, *Sunday*—the steamer not sailing until *Monday*. This will give me time to finish this despatch.

* * * * * * * * * *

Our consuls at Bahia and Pernambuco having exhibited great energy and judgment in the discharge of their duties, in the embarrassing position in which they were placed, I addressed to them each an official letter, in reply to their communications, a copy of which, marked 2, is enclosed. All the prisoners, both male and female, were robbed by the pirates, our consul to Cherpoo being the only one who saved a few dollars by throwing them into his boots. Passengers and masters are alike destitute; and being rendered so while under our flag, I think I cannot be wrong in having directed the consuls to care for them, precisely as if the law embraced their case.

The pirate *fleet*—for such it has become—now consists of six vessels; and will very shortly consist of fifty, if the pirates can manage to possess themselves of the necessary guns to arm their prizes. How far they succeeded in Bahia and Pernambuco I cannot say; but we know that the Alabama had armed the ships Lapwing and ———, and the Florida had armed the Clarence, from this port to Baltimore. There is no difficulty about getting crews, as the foreigners on board our vessels promptly volunteered to serve on board the pirates; one of the conditions being, as Semmes admitted to the ladies landed in Bahia, who sought to recover certain family relics, that his men may plunder and pillage all crews and passengers captured, but must abstain from *rape* and *murder!* Thus these steamers are not only pirates themselves, but they assume the right of converting all their prizes into pirates. What commerce can exist under such proceedings, and who is it that reaps the reward?

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I enclose herewith, marked No. 3, a letter from an intelligent German gentleman, who came passenger in the Guienne, and saw the Mohican at St. Vincent, and the Florida, Alabama, and Georgia at Pernambuco and Bahia, by which it appears that the Alabama claims to have captured 49 vessels besides the Hatteras, the Florida 10, and the Georgia 2—*sixty-one* in all. Semmes, however, is said to claim that the Alabama alone has destroyed 64 vessels; and the possession of nearly 200 chronometers, which he displays in his cabin, would appear to sustain the claim; and as our unprotected commerce is just as much in danger from her armed prizes, with one gun, as from the steamers, and as he avows his purpose to convert every fast-sailing prize into an armed pirate, and is actually doing so, the destruction of the fleet, wherever met with, appears to be a duty which overrides all considerations of comity between nations, and respect for neutral waters.

Semmes says he is bound for the *Pacific*, from which I infer that he is going round the Cape of Good Hope, and into the China seas; while, probably, the Florida and Georgia will go into the Pacific, all of them first cruising near St. Helena in the track of our homeward-bound Indiamen.

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SUNDAY, *May* 24, 1863.
Hotel d'Etrangers, 6 *p. m.*

I have just received from the Marquis d'Abrantes a reply to my despatch, which I enclose herewith, marked No. 4. It is full of the most friendly professions and assurances, and I doubt not it will, in due time, be followed by one disclaiming the acts of the governors of Pernambuco and Bahia, and condemning their conduct. The governor of Pernambuco is an *Albuquerque*, and belongs to the most powerful and influential family in northern Brazil.

* * * * * * * * *

I have the honor to be, very respectfully, your obedient servant,
J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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No. 1.

Mr. Webb to the Marquis d'Abrantes.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 21, 1863.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to call the attention of his excellency the Marquis d'Abrantes, councillor to his Imperial Majesty the Emperor, minister and secretary of state for foreign affairs, to a gross breach of neutrality, perpetrated, and now being perpetrated, on the part of the representatives of his Majesty's government, at the ports of Pernambuco and Bahia.

When the French steamer Guienne left these ports the pirate Florida was lying in Pernambuco, receiving the hospitalities of that port, coaling and taking on board provisions, and undergoing the necessary repairs to enable her to continue her cruise. And what was the openly avowed purpose of such cruise? The destruction of the commerce of the United States, a friendly nation, and one with whom Brazil has close and most amicable relations. Did there exist any doubt of the character of the Florida? Most assuredly not. She was known to the governor of Pernambuco as being the consort of the Alabama, and bearing the same piratical flag; and the Alabama had been declared by the governor to be a corsair, which had violated the sovereignty and neutrality of Brazil by outrages upon the commerce of the United States in Brazilian waters; and, therefore, ordered to leave a port in the island of Fernando Noronha. And yet, with the knowledge of the piratical character of the Florida and her flag, and in defiance of the protest of the consul of the United States, the governor, in an official communication addressed to the pirate on the 8th of May, conceded to him the *right* to remain in port twenty-four hours to land prisoners, to supply himself with such coals and provisions, and to make such repairs, as were necessary to enable him to continue his cruise against the commerce of the United States.

On that day the Florida, under such authority from the governor, did land the officers, crew, and passengers of the United States brig Clarence, from the port of Rio Janeiro to Baltimore, in the United States, captured by the pirate two days previously, as known to the governor; and, on the same day, made application to the governor for permission to remain in port four days instead of twenty-four hours. In reply, the governor, in a communication to the pirate, now before the undersigned, dated the 9th of May, informed the applicant that, inasmuch as he represents to him that a compliance with his order to leave in twenty-four hours will compel him to do so in a distressed condition, because the repairs to his engine, necessary to his safety, cannot be completed in that time, and would be illiberal and inhuman, and expose him to danger, and Brazil to the *consequences;* and inasmuch as he, the governor, does not wish to be inhuman or illiberal, or endanger the safety of the pirate, or *to lessen his means of defence, or expose him to imminent risks*, therefore, believing the representation to have been made in good faith, and that he cannot in safety continue his cruise (against American commerce bound to Brazil) unless given time to repair his engine, the said governor, representing the sovereignty of Brazil, and recognizing the traitors in rebellion against the United States as belligerents, does accord to the commander of the pirate bearing their flag all the time he asks for repairs, and privilege of taking in such coals and provisions as may place him in a condition to continue his depredations upon the commerce of a friendly power. A grosser breach of neutrality has never come to the knowledge of the undersigned.

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There is no difference in the eye of the international law between taking a part or the whole of a prize into a neutral port; and although the Florida did not bring the Clarence into Pernambuco, having fitted her out as a privateer, yet the fact of bringing in her officers, crew, and passengers, and the goods of which they had robbed her and those on board, was, to all legal intents and purposes, the same as bringing in the captured vessel or vessels, some of which she had burned, and one, at least, armed as a privateer. And the goods so pillaged and robbed from the United States vessels were openly sold and peddled in the streets of Pernambuco; articles known to be worth or to have cost from four to six hundred milreis selling, as the undersigned is assured, for fifteen milreis. And thus Pernambuco becoming, as was justly remarked by a permanent merchant of that place, not an American, "a mart for the sale of goods taken by pirates out of American vessels almost within sight of the port; and the pirate captors at that moment lying in the harbor, and receiving the protection and hospitality of the port of Pernambuco, with the full sanction of the government of the province, who is the immediate representative of his Imperial Majesty."

The undersigned doubts not but that all the facts of the case have been officially reported to the government of his Imperial Majesty the Emperor; and also that it is known to your excellency that both the pirates Alabama and Georgia were in the port of Bahia when the steamer Guienne sailed from there on the 14th instant. The Alabama arrived on the 11th, and the consul of the United States, as it was his duty to do, not only demanded, that as her character was known, and her outrages upon American commerce in Brazilian waters have been proclaimed and acted upon by Brazilian authorities, that all supplies should be refused to her, but that the ship itself should be seized, and held subject to the action of the imperial government for its piracies within Brazilian jurisdiction; and for which Brazil would be responsible were it not that the vessel is a pirate, and belongs to no recognized nationality.

The undersigned, knowing the character of these corsairs, was satisfied that the government of his Imperial Majesty had done all that it was in its power to do when it removed the commandant of Fernando Noronha from his place, and ordered the pirate to leave its waters, because the government has not the means of capturing him. But when the pirate entered the port of Bahia, and placed himself in the power of Brazil, and in a position where he could be seized, and made responsible for his piracies upon American vessels within the waters of Brazil, it was the bounden duty of the governor of Bahia to have seized the pirate until the pleasure of the imperial government should be known in the premises. Your excellency will not for a moment deny, that having, by your official acts, and those of the governor of Pernambuco, recognized the fact that this pirate has violated the waters and outraged the sovereignty of Brazil, it is your duty, when opportunity offers, to vindicate your violated sovereignty, and by his capture, if possible, remunerate the injury done to American commerce within your waters. And should the pirate come into this port when the ability of Brazil to capture and detain him admits of no question beyond all doubt, the neglect to do so would be not only an unfriendly act towards the United States, but would render Brazil responsible for all and every aggression which he might commit on American commerce after leaving this port.

The law officers of the crown of England gravely decided that the fitting out of this pirate in the port of Liverpool, and the Florida and Georgia in Scotland, on a well-grounded *suspicion* that they were intended to prey upon the commerce of a friendly nation, demanded, for the English government, their forcible detention. An order for the Alabama's detention was accordingly issued, but arrived at Liverpool within one hour after she had sailed.

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The government of the United States, therefore, has given notice to the government of England that they will hold England responsible for all the injuries done to American commerce; and the leading statesmen of England, on the floor of the House of Commons, have conceded that it was the duty of the crown to have captured her on the bare suspicion, apparently well founded; and the law officers having decided that a case of justifiable suspicion was made out, the government neglected its duty, and cannot plead, in bar of our claim, that it failed in carrying out a good intention.

* * * * * * * *

The undersigned, therefore, submits to your excellency whether, if the fact be as stated, that the mere suspicion, well grounded, of the purposes of this pirate, rendered it the duty of the English government, according to her statesmen and law officers, to detain her, what is the duty of Brazil? The Alabama's purposes, and the purposes of her associate pirates, sailing under a flag not recognized by Brazil or any other nation, are no longer subject to suspicion only. They are avowedly and openly freebooters upon American commerce, without any nationality, and they have practiced their calling all along the Brazilian coast, and, in several instances, to the knowledge and just indignation of Brazil, *within Brazilian waters;* and yet they impudently run into Brazilian ports for protection, and to *refit*, and render more certain their ability to capture, pillage, burn, and destroy American vessels. At this moment—or, rather, as recently as the 14th instant—it is officially reported to the undersigned that there were no less than two hundred and twenty-eight persons in Pernambuco and Bahia, composing the officers and crews of American ships destroyed by the three pirates now in the harbor of Brazil; and all of them, captured individuals, according to law and the decisions of the undersigned, are now being supported at the cost of the government of the United States. Each and all of the three pirates have landed their prisoners in Brazilian ports, made proclamation that they were captured in American ships, by them destroyed, and then claimed at the hands of Brazil the *right to refit* for further plunder and depredations upon the unprotected commerce of a friendly nation. With the knowledge of Brazil in regard to the practices of these pirates, would not her responsibility to the United States, to humanity, and the civilization of the age, be far greater than was the responsibility of England in not detaining them on well-grounded suspicion only? Can there be a solitary plea devised, not founded on hostility to the United States and a desire to see its commerce injured, which would justify the government of Brazil in permitting them to *refit* in her ports, and supplying themselves with provisions and coal?

The Georgia lands prisoners avowedly taken from a captured American ship, and asks permission of the governor of Bahia to coal and buy provisions, and the permission is cordially granted.

The Florida lands her prisoners, officers, crews, and passengers of American vessels captured and burned, and not only asks and receives permission to coal and purchase provisions, but, further, asks to be allowed whatever time is necessary to repair her engine and *refit* for her work of destruction; and, in defiance of the solemn and most earnest protest of the consul of the United States, this privilege is accorded to her by the governor of Pernambuco, from a desire *not to diminish his means of defence and security.*

The Alabama goes into Bahia, and does not even ask permission to remain. She arrived on the 11th, and was still there when the Guienne sailed, on the 14th. The consul of the United States protested against her presence, and demanded that she should be seized and held subject to the orders of the Brazilian government, for having destroyed American property in Brazilian waters, for which the government of the United States will hold Brazil responsible, if, now that the opportunity presents, the authorities do not vindicate the sover-

eignty of Brazil and capture the pirate. The governor of Bahia sends to the United States consul the communication of the governor of Pernambuco to the captain of the pirate, complaining of his piracies, charging him with a violation of Brazilian sovereignty, and ordering him, in consequence of such disgraceful conduct, to leave the waters of Brazil within twenty-four hours. The governor of Bahia thus demonstrates that he knows the piratical character of this vessel, and is familiar with her violation of the sovereignty of Brazil by destroying American vessels within the waters of that empire. He knows, too, that the imperial government, by its acts, had proclaimed this pirate guilty of violations of its sovereignty, and ordered him to leave their port of Fernando Noronha; and yet he deliberately permits him to enter the port of Bahia, refuses to regard the protest of our consul, and, at the last accounts, had harbored him four days without pretending that his presence was not acceptable.

Thus, at this moment, the ports of Brazil are made harbors of refuge and places of resort and departure for three piratical vessels, avowedly designed to prey upon the commerce of the United States. The waters of Brazil are violated with impunity in this piratical work, and after the imperial government had admitted and declared its indignation at such violation of sovereignty, the guilty party is received with hospitality and friendship by the governor of Bahia, and instead of being captured and imprisoned, and his vessel detained, he is feted, and supplied with the necessary provisions and coal to enable him to continue his depredations upon American commerce. The wharves and streets of Bahia and Pernambuco have been, for weeks past, swarmed with American sailors and passengers from merchantmen trading with Brazil, which have been captured, and the persons on board robbed, by the pirates of the Alabama, Florida, and Georgia, and they have been compelled, in the ports of a friendly nation, to witness their clothing and jewelry, and even family relics, sold on the wharves and in the streets of Bahia and Pernambuco by their piratical captors, at a tenth of their value, while the piratical vessels and all on board were received and treated as friends, and supplied with the necessary materials to continue their nefarious practices. The scenes which history informs us were rife in the 17th century, in the islands of the West Indies, are now being enacted in this the 19th century, in the ports of Brazil, and that through no fault of the imperial government—which has already done its whole duty as rapidly as circumstances have permitted—but because the governors of Pernambuco and Bahia, in their sympathy with piracy and pirates, have neglected their duty to Brazil and brought discredit upon the civilization of the age.

Your excellency is aware that the facts in connexion with the presence of these piratical vessels in the ports of Brazil are even stronger than in this hasty communication they are presented; and, therefore, the undersigned will not for a moment doubt but the imperial government will promptly visit upon the offending governors the punishment they have so richly merited. But it appears to the undersigned that the government of Brazil has still another duty to perform, itself, to the government of the United States, to humanity, and to the civilization of the age, and that is, the capture of the Alabama whenever she enters a Brazilian harbor. That piratical vessel has violated the sovereignty of Brazil by destroying the vessels of a friendly nation within the waters of the empire. The government of Brazil, by its acts, has proclaimed this fact; and, most assuredly, if, when it has the power to do so, it does not capture and detain the offender, it makes itself a party to his acts and compels the government of the United States not only to look to Brazil for compensation for injuries done to its commerce within its waters, but also to hold Brazil responsible for permitting this pirate to proceed in his depredations upon American commerce.

The undersigned does not visit upon the imperial government the con-

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duct of its governors towards the Florida and Georgia, well knowing that it will, as heretofore, do its duty in the premises. But the case of the Alabama is a very different one. She has violated the neutrality and outraged the sovereignty of Brazil by capturing and burning American vessels in Brazilian waters; and if, when Brazil possess the ability, and the opportunity offers, she does not take possession of her, assuredly the government of Brazil assumes the responsibility of her acts, and the United States will be compelled to look for redress to Brazil, as she did to Portugal in the case of the General Armstrong. The privateer General Armstrong was destroyed by a British man-of-war, in 1813, in a Portuguese port. The United States persisted in its demand for redress from Portugal for more than thirty years. It was then referred to a friendly power.

The undersigned alludes to this case to show the right of the United States to demand the capture of the pirate Alabama by Brazil, if possible, as a duty due alike to itself, to the United States, and to humanity and civilization. And he takes this occasion to render to your excellency his cordial respect and confidence, and his most distinguished consideration.

J. WATSON WEBB.

His Excellency the MARQUIS D'ABRANTES, &c., &c., &c.

No. 2.

Mr. Webb to Consuls at Bahia and at Pernambuco.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 22, 1863.

MY DEAR SIR: Accept my warmest thanks for myself, and in behalf of our country, for the prompt, efficient, and energetic manner in which you have discharged your duty as consul, under the trying circumstances to which you have been exposed. Your conduct not only meets my hearty approval, but my decisive commendation, as it assuredly will that of the government at home.

I have had various interviews with the government, and last evening handed in a despatch of thirty-two pages, which is to be submitted to a special meeting of the cabinet to-day at 12 o'clock, and I hope in a postscript to this letter to give you the result.

It does not become me to interfere with your instructions, or to decide upon the construction of the law; but when the law is silent, as it must of necessity be in a case like the present, which could not be anticipated, somebody must assume the responsibility of legislating temporarily in the premises. The law does not compel you to support the officers and passengers of vessels sunk at sea by pirates, but humanity and the honor of our country does. You will, therefore, in all such cases, continue to do as your own good sense and kind feelings prompt, and consider this your authority for so doing until otherwise instructed from Washington.

Believe me, my dear sir, with great respect, your obedient servant,

J. WATSON WEBB.

———, *United States Consul*, ———.

No. 3.

Mr. Grebert to Mr. Webb.

[Translation.]

RIO DE JANEIRO, *May* 21, 1863.

MR. MINISTER: With pleasure I am ready to give to your excellency knowledge of what I have observed of the secessionist privateers on my recent voyage from Bordeaux to this port on board the French packet Guienne, agreeably to the request with which your excellency has honored me.

In Europe I was in an uncertainty as to where the privateer Alabama and the other privateers were. Until we arrived at St. Vincent I learned nothing more of the Alabama or

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of the other privateers. On our entering St. Vincent, at 7 o'clock in the morning on the 5th day of this month, we found anchored in that port the North American vessel-of-war Mohican, and I there gathered information that, in the neighboring waters, another vessel-of-war was cruising, supposed to be the Vanderbilt. We were informed at St. Vincent that, a few days before our arrival, a steamer had appeared in sight of the port, but had immediately disappeared. It is supposed that this steamer must have been a secessionist privateer.

On the 12th day of this month, at 6 o'clock in the morning, we arrived at Pernambuco, and, to our general surprise, found quietly anchored in that port, inside the reef, the privateer Florida; and immediately on the port visit of the officer of customs and other visitors, we learned from the authorities that the privateers Florida and Alabama were committing, in the waters of Brazil, acts of landing the captive crews of numerous American merchant vessels. I learned, further, that the Alabama had been in the gulf of Fernando Noronha, where she had landed a large number of the captive crews of destroyed vessels. I was told by inhabitants of Pernambuco that the governor of the gulf of Fernando Noronha had received Captain Semmes, the commander of the privateer Alabama, and his crew, with much sympathy; that he even offered him a salute, and a ride on horseback. In consequence of this the president of Pernambuco had dismissed this governor; but when we arrived at Pernambuco he was already restored to his place, my informants not being able to explain the reason The Florida arrived in the port of Pernambuco in the morning of the 9th of this month, and at 5 o'clock of the afternoon of the 12th she sailed, together with us, the Guienne accompanying us until dark, when she took her course to the east I was told, by several persons in Pernambuco, that this privateer only sailed from the port in order not to disobey the commands of the president, who had permitted *only four days' stay* in the port for making repairs to her engine, and for supplying herself with coal and provisions. It was said, moreover, that she would return after a day or two, and that this was probable, because she had purchased various articles that she had not received when she sailed; among others, 800 yards of cloth, for clothing for the crew. To me, and many of my fellow-passengers, the maintenance of strict neutrality was inexplicable, in view of what was going on in the gulf of Fernando Noronha and at Pernambuco, especially when we were informed at Pernambuco that the crew of the Florida had sold the large quantity of articles (prize goods) which they had plundered from the destroyed vessels, at prices which were insignificant in comparison with their real value.

On the 14th, at 4 o'clock in the morning, we entered the port of Bahia, where we were surprised at the state of the Alabama and Georgia, which were anchored "side by side" in that port, these privateers having been there for two days. On the same day (the 14th) Commander Semmes had opened his vessel to the curiosity of the public; two small steamers were all day (of the 14th) from morning till night engaged in carrying visitors from the shore on board that cruel and atrocious pirate, and back again. At the least, there were, on that day, more than two thousand persons on board the Alabama. I went on board the Alabama at noon, and more than two hundred visitors were present at the same time. I remained on board more than an hour, examining the vessel, her equipments, and crew, as much as circumstances would permit. Captain Semmes was not on board, because he had an invitation to an entertainment given to him by the Railroad Company, to which he had gone. I had a conversation with an officer, Marfit, [Maffit,] the son of the commander of the Florida. He told me that, in nine months' cruising, they had captured, in all, 49 merchant vessels, besides destroying the Hatteras. (The Florida had, up to the 12th of this month, captured ten vessels, and the Georgia two.) A German seaman told me that he and the other seamen had each, in pay and allowances in the concern, £1,800, which he expected to be paid at the conclusion of the war. An officer of the Georgia told me that the Georgia had been seen at St Vincent, but went higher up when she discovered the Mohican in the port of St. Vincent; he told me, moreover, that in her cruise from Greenock (in England) to Bahia, she had captured and destroyed two American vessels, whose crews she landed at Bahia.

We resumed our voyage, at 5 o'clock in the afternoon of the 14th, for this port, leaving the two pirates at their anchorage, where we found them in the morning.

The foregoing is what I have seen and observed, together with information which I was able to obtain from interested and disinterested persons; and, with much pleasure, I communicate it to your excellency, in compliance with your request, and in the hope of doing some good for the cause of humanity, which is so cruelly offended by these wicked pirates.

I am, with high esteem and consideration, your excellency's friend,

G. C. GREBERT.

MR. WEBB, *Minister, &c., Brazil.*

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No. 4.

The Marquis d'Abrantes to Mr. Webb.

[Translation.]

(Central Division.)
No. —.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, May 23, 1863.

I hasten to acknowledge the reception of the note which, under date of the 21st instant, Mr. James Watson Webb, envoy extraordinary and minister plenipotentiary of the United States at this court, has done me the honor to address to me, with a view of calling my attention to a serious violation of neutrality which has been perpetrated, and is now being perpetrated, by two representatives of the imperial government in the ports of Pernambuco and Bahia.

Mr. Webb, in referring to the proceedings of the presidents of said provinces towards the steamers of the Confederate States which come into their ports, accuses said presidents, and complains of their having afforded hospitality to those steamers, and of having permitted them to make repairs, to receive provisions, and to land merchandise of vessels which they had captured.

Mr. Webb bases his complaints on a series of acts, which he enumerates, and which he characterizes as violative of the neutrality which the government of his Majesty the Emperor imposes on itself, in the deplorable contest of the American Union.

The affair in question is undoubtedly grave and important, and the imperial government gives to the authorized language of Mr. Webb all the consideration which is due to it.

But for this very reason—and Mr. Webb will certainly acknowledge it—the imperial cabinet is under the unavoidable necessity of proceeding in such a delicate matter with the greatest discretion and prudence, in order to observe religiously the position which it has assumed since the manifestation of the first events which tended to the result of a division of the United States.

The position to which I allude Mr. Webb perfectly understands, as he also understands the principles on which it rests, since they were laid down in a circular, which was issued by the imperial government to its delegates in the provinces, under date of the 1st of August, 1861.

Conforming to the rules generally admitted among civilized nations, the imperial government in that circular prescribes the practical mode of rendering effective the neutrality which it imposes on itself.

Without at present confirming or denying the acts as set forth by Mr. Webb, and without entering into an appreciation of the observations with which he accompanies the narration of them, what I can at once most positively declare to him is, that the government of his Majesty the Emperor is firmly resolved to maintain, and to cause to be respected, the neutrality, in the terms in which it has declared it assumed it, and what is important to declare, that it is not disposed to allow this neutrality to be violated in any way, by those interested in the contest, and still less by the delegates of the government itself.

Of the sincerity of this declaration Mr. Webb has an indisputable proof in my note of the 7th instant, relative to the steamer Alabama, of the Confederate States, as in it I voluntarily hastened to bring to the knowledge of Mr. Webb not only the official communications which the imperial government has received in regard to the acts committed at Pernambuco by that steamer, but also the resolution adopted by the government to approve

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entirely of the proceedings on that occasion of the president referred to and to resort to the necessary measures to repress the abuses of the captain of the Alabama, and cause the neutrality of the empire to be religiously observed.

Therefore, Mr. Webb, certain as he must be of the intentions of the imperial government, and of all the respect which this government pays to his word, will assuredly not be surprised that, before coming to a final decision on the important acts which form the subject of the note with which I am now occupied, the imperial government should hear what their delegates in the provinces have to relate, and should strive scrupulously to verify their exactness.

By the French packet which leaves this port on the 25th instant, the imperial government sends the most positive and conclusive orders to the presidents of Bahia and Pernambuco, that, without loss of time, they will circumstantially report in regard to each of the acts alleged in the note of Mr. Webb, of which he gives to them full information.

And, as soon as the reports referred to shall arrive, Mr. Webb may rely that the imperial government will not hesitate to put forth its hand to the means necessary to render effective the neutrality which it imposes on itself, provided it has been violated, and to leave beyond all doubt the fairness of its proceedings.

Flattering myself that this brief answer will tranquilize Mr. Webb, I profit by the occasion to renew to him the assurances of my high consideration.

MARQUIS D'ABRANTES.

Mr. JAMES WATSON WEBB, *&c., &c., &c.*

Mr. Webb to Mr. Seward.

[Extract.]

No. 50] LEGATION OF THE UNITED STATES,
Petropolis, June 7, 1863.

SIR: I enclose herewith three despatches to the secretary of foreign affairs numbered, respectively, 1, 2, and 3, according to date. You will perceive that two of them have reference to the presence of the pirates Alabama, Florida, and Georgia, in Brazilian ports.

* * * * * * * *

I also forward a copy of a despatch from the Marquis d'Abrantes, marked No. 4, dated May 29, in response to mine of the 27th.

* * * * * * * *

I have the honor, &c.,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD, *&c., &c. &c.*

Mr. Webb to the Marquis d'Abrantes.

LEGATION OF THE UNITED STATES,
Petropolis, May 27, 1863.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to report to his excellency the Marquis d'Abrantes, counsellor to his Imperial Majesty and secretary of state for foreign affairs, that on the 20th instant, in the evening, the pirates Alabama and Georgia were still in the port of Bahia. The Alabama arrived there on

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the 11th and the Georgia on the evening of the 12th, so that the former had been in Bahia nine days, harbored, protected, and supplied with the necessary stores and provisions by the authorities of that port, in defiance of the solemn protest of the consul of the United States, and in utter disregard of the well-known fact that this pirate had captured and destroyed American shipping in the waters of Brazil; and for so doing, thereby violating the neutrality and insulting the sovereignty of the empire, had been ordered by the president of Pernambuco to leave the island of Fernando Noronha.

The pirate Georgia having arrived at Bahia on the 12th, had been in that port eight days, receiving coal and such stores and provisions as were necessary to enable her to continue her depredations upon the unprotected commerce of a friendly nation; and both the pirates landed a large number of prisoners, with the sanction and aid of the governor, proclaiming them to be the passengers, officers, and crews of unarmed American merchantmen, trading with Brazil and other friendly nations, which had been captured and destroyed by the freebooters, who were so kindly received and harbored by the authorities and inhabitants of Bahia. And in the streets and on the wharves of that city, with the knowledge and approval of the president and authorities, the freebooters of both the piratical vessels publicly hawked about and sold the articles of clothing and *bijouterie* of which they had pillaged and robbed the defenceless females and other passengers, as well as the officers and crews, of the American ships they had burned and destroyed at sea.

By arrangement the English bark Castor arrived at Bahia almost simultaneously with the two pirates, having on board coal shipped for them at Liverpool, to be delivered to them in the port of Bahia; and it was publicly remarked that, in addition to coal for the pirates, she had also on board two guns of 125-pound calibre each, and other munitions of war. Thereupon the consul of the United States represented the facts to the president, suggesting that a guard should be placed on board said bark Castor, and she be prohibited from going alongside of the pirates, particularly at night, to discharge into them her coals and munitions of war, in violation of the neutrality of Brazil. This protest the president acknowledged to have received at 6 p. m. on the day it was written, and yet on that same night the said bark Castor was permitted to go alongside the Georgia, and only ordered to leave her on the following morning, when, of course, she had accomplished her purpose of going alongside, whatever that purpose was.

These facts, in the opinion of the undersigned, are calculated very seriously to compromise the government of Brazil and the cordial relations existing between it and the United States, and they are placed before your excellency in the hope and belief that the president of Bahia will be so dealt with by the imperial government, without any specific demand from the undersigned, that he may call the attention of his government to the proceeding, as another evidence of the desire of Brazil to maintain, unimpaired, the very cordial and friendly relations now existing with the United States. And he avails himself of this occasion to renew to your excellency the assurances of his most distinguished consideration.

J. WATSON WEBB.

The MARQUIS D'ABRANTES, *&c., &c., &c.*

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D.

The Marquis d'Abrantes to General Webb.

MINISTERIO DOS NEGORIOS ESTRANGEIROS,
Rio de Janeiro, May 29, 1863.

Fulfilling the duty of acknowledging the reception of the note, dated the 27th of the present month, which Señor James Watson Webb, envoy extraordinary and minister plenipotentiary from the United States, has done me the honor of sending me, in this city, for the purpose of exclaiming against the recent facts which he states to have been done by the president of the province of Bahia, in violation of the neutrality of the empire, in favor of the confederate steamers Alabama and Georgia, I take upon me, in answer, to assure Señor Webb that, giving my whole and due consideration to these allegations, as soon as shall have arrived the information in regard to the matters claimed to have been done by the aforesaid president, the imperial government, as I have informed General Webb in my note of the 23d of the current month, will not hesitate to proceed in conformity with the position it has assumed and to which it is bound.

I renew to James Watson Webb the expression of my high consideration.

MARQUIS D'ABRANTES.

General JAMES WATSON WEBB,
Envoy Extraordinary, &c., &c., &c., to the court of Brazil.

Mr. Seward to Mr. Webb.

No. 66.] DEPARTMENT OF STATE,
Washington, June 19, 1863.

SIR: Your despatch of the 7th of May (No. 47) has been received.

I esteem it a pleasing circumstance that it brought the first information which he department has received of the abuses of the flag of Brazil and the violation of our own rights committed by the pirate Alabama at Fernando de Noronha. The painful impressions which these transactions have made were thus alleviated by the extraordinary diligence exercised on your part in bringing the transaction home to the knowledge of the Emperor's government, and by the prompt, just, and friendly proceedings which that government has adopted.

You cannot express too strongly to the Duke d'Abrantes the satisfaction with which the President regards these proceedings. They are in the very spirit which, from the beginning of your mission, we have thought ought to be maintained in the intercourse of Brazil with the United States as a friendly American power.

I forbear from raising the question whether indemnities will be due to the United States for the losses and injuries inflicted upon their citizens until we shall have received more authentic information of the circumstances which attended the transaction.

Your suggestions for an increase of our naval force in the waters of Brazil have been referred to the Secretary of the Navy, and will receive attentive consideration.

When Congress shall have assembled, the President will probably submit to it the importance of developing our commerce with Brazil.

I have just learned, with sincere regret, of the interruption of diplomatic intercourse between the Emperor's government and that of Great Britain, and I sincerely hope that it may not be followed by any serious results or even be long continued. I am authorized to say, through you, to the Duke

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d'Abrantes that if it shall be thought that the good offices of this government would be useful in forwarding a reconciliation upon terms honorable to both parties, those good offices will be freely rendered. It would be to the President a pleasing duty to facilitate in that way, or in any other, the interests of Brazil.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, &c., &c., &c.

Mr. Webb to Mr. Seward.

[Extract.]

No. 51.] LEGATION OF THE UNITED STATES,
Petropolis, June 23, 1863.

SIR: This government has not as yet responded to my despatches in regard to the pirates Alabama, Florida, and Georgia, but I have reason to know are exceedingly annoyed at their having been in the waters of Brazil. They have had a narrow escape from the Mohican, which vessel must at one time have been in their immediate vicinity; and if her commander had pushed on to Rio, when so near it, he could not have failed to have fallen in with two of them in the vicinity of Cape Frio, and directly in the track of vessels bound to this port. But doubtless the commander of the Mohican was misled by some cunningly devised report, manufactured by the pirates themselves, and circulated by their English friends in Bahia. Consul Wilson reports that the Onward is at Bahia, in search of the pirates; and I indulge the hope that she will be more successful than the Mohican has been.

The continued depredations of these pirates directly off the mouth of the harbor of Rio are exceedingly annoying to all Americans in Brazil, and go to prove the absolute necessity of two good steamers-of-war, of great speed and powerful armament, at Rio. Iron-clads would be useless, and so with ordinary gunboats; but two vessels of the Ticonderoga class would effectually protect our commerce and insure the capture of any piratical cruisers that might venture to visit this coast.

As our consul will make full reports to you of the disasters to our commerce which have been reported since the pirates left Bahia, I forbear further allusion to the subject.

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JAMES WATSON WEBB.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Mr. Webb.

No. 69.] DEPARTMENT OF STATE,
Washington, July 13, 1863.

SIR: Your despatch of the 23d of May (No. 47) has been received, together with its accompaniment, viz: a correspondence that has taken place between yourself and his Imperial Majesty's minister for foreign affairs on the subject of certain favors which were recently extended in the ports of Bahia and Pernambuco to the piratical vessels Alabama and Florida. This government had already been informed of the injurious proceedings referred to by the United

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States consuls residing in those ports. Your proceedings in that respect are approved, as is also the demand which you addressed to the minister for foreign affairs for redress and satisfaction.

It affords me much pleasure to say that the President is gratified with the just and liberal spirit which pervades the reply of the Marquis d'Abrantes, and confidently expects that the satisfaction which you have asked will be promptly accorded. Nevertheless, in making this acknowledgment to the marquis, you must at the same time inform him that this government expects that an end shall be made of the practices of the presidents of provinces of which those now complained of are only new repetitions.

It would not be becoming to add here an explanation of the specific measures to which this government may be expected to resort for the rescue of its commerce from the depredations which it is suffering through the erroneous and unfriendly action of nations with which the United States are at peace. I may properly say, however, that if nations shall, in violation of our rights, suffer their ports to become bases for the operations of pirates against us, we shall adopt such remedies as the laws of self-defence allow. It is the earnest desire of the United States to remain at peace with all nations. We have sought, especially, to deserve the friendship of Brazil, and shall persevere in that friendly policy so long as the Emperor shall accord to us commercial and national rights, which are not less essential to Brazil and all the other American states than to ourselves.

The violations on our commercial and maritime rights by British subjects in British ports, to which you have alluded, still remain a subject of discussion with her Majesty's government; and it is hoped that, although it is attended by much embarrassment, a satisfactory understanding will be attained.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq.

Mr. Seward to Mr. Webb.

[Extract]

No. 71.] DEPARTMENT OF STATE,
Washington, July 25, 1863.

SIR: Your despatch of June 7 (No. 50) has been received. So much of it as relates to the case of the Nebo is approved.

While I see nothing to disapprove in that part of the despatch which relates to the indulgencies extended in Brazilian ports to the piratical cruisers which have been engaged in devastating our national commerce, I reserve all authoritative direction upon the subject until a reasonable time shall have elapsed for obtaining the further answer to your note which has been promised by the Marquis d'Abrantes.

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I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq

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CHILI.

Mr. Seward to Mr. Nelson.

No. 14.] DEPARTMENT OF STATE,
Washington, June 19, 1862.

SIR: Your despatch of May 1 (No. 33) has been received.

The change of opinion and sentiment which has taken place in Chili in regard to our domestic troubles is the attainment of an important advantage which the President early determined to secure, if possible, by frank, honorable, and generous efforts. It is certainly true that there cannot permanently exist two antagonistical systems of government upon this continent, nor can there always be two commercial systems upon this continent, one of which must have its centre here and the other in Europe. The social differences which distinguish the Latin races from those of northern stock are likely to be long perpetuated on that continent. But there is a constant and rapid tendency towards harmony and assimilation between them in America, and ultimately a constitution of society decidedly American must exist here. Such a change is necessary to secure a complete development of the resources of the continent, and necessary even to render the states which are to exist here safe against domestic divisions and foreign aggression. The change, however, is to be effected not by wars and conquests, but peacefully through the influence of moral causes. Each American state must practice justice and forbearance and cordial friendship towards every other state, and all must come to learn that political institutions, which fail to secure peace and to create prosperity, cannot be upheld even by any combination with foreign powers.

The United States want no more extended empire. The field they occupy is adequate to the employment of all their energies, and ample for the play of their just ambition. Thus content with their boundaries, they daily become more intolerant of the idea of any division of their domain, or any encroachment upon it by foreign powers. These sentiments have thus far been the great invigorating forces of the country in the present war, and have, as we believe, carried us safely to the point where the end begins. We have not been unaware that reactionary forces have manifested themselves in neighboring American states, and threatened a subversion of their republican institutions, and of course a subversion of their sovereignty and independence. It might be doubtful whether states thus menaced could in any case be benefited by material aid borrowed from any foreign nation. Every loan of that kind is ultimately repaid with the loss of a part of the independence which it was intended to save. But the Latin states of America may rest assured that the United States will maintain their own integrity and independence through the greatest trials, and thus show to the world that American institutions possess virtues and advantages which make the nations which enjoy them indissoluble and invulnerable. We invite Chili and all the other American states to cultivate the same spirit, and exhibit the same determination.

The attempt to revolutionize the American Union has already failed. The disappointed faction, if they are to be believed, will seek compensation for their failure in revenge. They have commenced what they threaten shall be a twenty years' guerilla war. The measure itself is an evidence of imbe-

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cility, and of a profound misunderstanding of the American character. Peace and harmony under the authority of the federal Union are due as a reward to the loyalty and virtue which the American people have practiced in their recent trial, and they are not now far distant.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS H. NELSON, Esq.

Mr. Nelson to Mr. Seward.

[Extract.]

No. 48.] LEGATION OF THE UNITED STATES,
Santiago de Chili, September 1, 1862.

SIR: Upon the 30th ultimo I addressed the secretary of foreign relations a note, having for its object a frank exposition of what I deemed the sentiments of the government of the United States towards the other American republics. In preparing this note, a copy of which is herewith transmitted, I avail myself of the views expressed in your despatch No. 14, of June 19, 1862, and in the correspondence submitted by you to the President, under date of April 14, in compliance with the resolution of the House of Representatives of February 3, 1862.

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I have the honor to remain, very respectfully, your obedient servant,

THOMAS H. NELSON.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. Nelson to Mr. Tocornal.

LEGATION OF THE UNITED STATES,
Santiago de Chili, August 30, 1862.

SIR: Upon the 1st of May last, in a despatch to the honorable Secretary of State of the United States, I had the honor to express my gratification at the hearty manifestations of a desire evinced by a portion of the press of Chili for the suppression of the domestic dissension existing in the United States and for a closer drawing together of the bonds uniting the other nations of America with our own. I moreover assured the honorable Secretary of my belief that these were the prevailing sentiments of the government as well as of the people of this republic, who were, to say the least, solicitous regarding the policy of some of the powers of western Europe towards the comparatively defenceless states of Spanish America. I also alluded to the gratifying circumstance that the United States and their citizens had, in my opinion, never before occupied a more favorable position in the estimation of Chili than at present—a more intimate knowledge of our people, aims and policy, having developed a true appreciation and cordial esteem, which could not but most favorably affect all our relations with this republic.

Under date of the 19th of June, 1862, the honorable Secretary addressed me, in reply to the one above alluded to, a despatch of which the relative positions of the United States of America and her sister republics, in view of the gravity of the present political situation, form the basis.

Feeling assured that a knowledge of the sentiments of my government upon this subject cannot but be most gratifying to the government of your excellency,

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I have believed that our official intercourse could not be more agreeably initiated than in a frank and sincere expression of such sentiments of which I am most happy in being the exponent.

I need not assure your excellency that my government has felt the most profound interest in the events now occurring in the neighboring and sister republic of Mexico, wherein reactionary forces have been threatening a subversion of her republican institutions, and, of course, a subversion of her sovereignty and independence.

The United States are deeply concerned in the peace of nations, and at the same time aim to be loyal in all their relations to European as well as American states. The President, while relying upon the good faith of the allied powers, and confident of their sincerity in disclaiming any intention to intervene to change the constitutional form of government, has deemed it his duty to express to them the opinion that no monarchical government which could be founded in Mexico, in the presence of foreign navies and armies in her waters and upon her soil, would have any prospect of security or permanency; secondly, that the instability of such a monarchy there would be enhanced if the throne should be assigned to any person not of Mexican nativity. That under such circumstances the new government must fall, unless it could draw into its support European alliances, which, relating back to the present invasion, would, in fact, make it the beginning of a permanent policy of armed European intervention, injurious and practically hostile to the most general system of government on the continent of America, and this would be the beginning, rather than the ending, of revolution in Mexico.

In such a case it is not to be doubted that the permanent interests and sympathies of the United States would be with the other American republics. It is not intended on this occasion to predict the course of events which might happen as a consequence of the proceeding contemplated, either on this continent or in Europe. It is sufficient to say that, in the opinion of the President, the emancipation of our own country from European control has been the principal feature in its history during the last century.

Between some of the South American republics and our own there has existed, not remotely, an alienation, founded partly upon an imperfect appreciation of our sentiments, partly upon errors and prejudices peculiar to themselves, and yet not altogether without fault upon our own part—an alienation temporary in its character, and which I rejoice to know has yielded to a better knowledge of the government and people of the United States, and of the sincerity of their cordial interest in the integrity and welfare of sister republics.

The social differences which distinguish the Latin races from those of northern stock are likely to be long perpetuated upon the continent of Europe. But there is a constant and rapid tendency towards harmony and assimilation between them in America, and ultimately a constitution of society decidedly American must exist here. Such a change is necessary to secure a complete development of the resources of the continent, and necessary even to render the states which are to exist here safe against domestic disorders and foreign aggression. The change, however, is to be effected, not by wars and conquests, but peacefully through the influence of moral causes. Every American state must practice patience and forbearance and cordial friendship towards every other, and all must come to learn that political institutions which fail to secure peace and to create prosperity cannot be upheld, even by any combination with foreign powers. The United States want no more extended empire. The field they occupy is adequate to the employment of all their energies, and ample for the play of their just ambition. Thus content with their boundaries, they daily become more intolerant of the idea of any division of their domain or encroachment upon it by foreign powers. These sentiments have thus far been the great invigorating forces of the United States

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during their present domestic dissensions, and I need scarcely assure your excellency that they feel now confident of a speedy and complete re-establishment of peace within their borders. The Latin states of America may rest assured that the United States will maintain their integrity and independence through the greatest trials, and thus show to the world that American institutions possess virtues and advantages which make the nations enjoying them indissoluble and invulnerable.

We invite Chili and all other American states to cultivate the same spirit and exhibit the same determination.

These, your excellency, are the sentiments of the government and people of the United States of America, and I gladly avail myself of this opportunity of manifesting to the government of Chili how deep is their interest in the welfare of every other American republic, how disinterested their desire that the relations subsisting between these several nations and their own shall assume a spirit more elevated than one of merely commercial or conventional amity, a spirit earnestly American in the continental sense of the word, and fraternal in no mere diplomatic meaning of the term, conducive to their mutual prosperity and happiness, and ultimately auspicious to all republican states throughout the world.

Availing myself of this occasion, allow me to reiterate to your excellency the earnest assurances of distinguished consideration and high esteem with which I have the honor to remain your excellency's most obedient servant,

THOMAS H. NELSON.

His Excellency the SECRETARY OF FOREIGN RELATIONS
Of the Republic of Chili.

Mr. Nelson to Mr. Seward.

[Extract.]

No. 51.] LEGATION OF THE UNITED STATES,
Santiago de Chili, September 17, 1862.

SIR: I have the honor to enclose herein a copy of a note addressed to me by the secretary of foreign relations of Chili on the 13th instant, in reply to the one transmitted by me to his excellency on the 30th ultimo.

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I have the honor to remain, very respectfully, your obedient servant,

THOMAS H. NELSON.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. Tocornal to Mr. Nelson.

[Translation.]

SANTIAGO, *September* 13, 1862.

The undersigned, minister of foreign relations of Chili, has had the honor to receive the note which the envoy extraordinary and minister plenipotentiary of the United States was pleased to address to him, under date of the 30th ultimo.

His excellency has thought proper therein to express to the undersigned how agreeable it is to him to initiate their relations by a manifestation of the sentiments which animate the government and people of the United States

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towards the Chilian government and nation, and towards all the other Spanish American republics.

The undersigned, while accepting the manifestation transmitted by the Hon. Mr. Nelson, highly congratulates himself that it affords him the opportunity of setting forth, in his turn, the kindly feelings entertained by the Chilian government and people towards the government and people of the United States of North America.

Nothing is more natural than that the republic of Chili should view with great interest the painful crisis at present afflicting the United States, and should pray for its early conclusion in the most satisfactory manner.

Notwithstanding the diversity of origin and of language, the United States and the Spanish American republics are mutually united by the strong bond of analogous political institutions, in whose development they found the hope of a growing prosperity, which must, of necessity, cause each to view the fate of the others as of an interest not foreign, but their own. If, heretofore, there have been at times motives which may have enfeebled the friendly relations of the Spanish American republics with the United States; if there has existed a want of confidence, either founded or unfounded; if, perhaps, the principles which guided the cabinet at Washington in diplomatic affairs have not always been well appreciated, the undersigned flatters himself that the solution of the crisis through which the United States are now passing, while it will assure them the elevated rank which, in a brief period of their history, they have obtained among the great nations of the earth, thanks to the powerful resources of their territory, and, more than all, to the admirable efforts of their citizens, must contribute to draw closer together the relations of true fraternity with the Spanish American states, causing all the republics of this continent to consider themselves as the members of one and the same family.

The sincere union of all the republics of the American continent, whatever be their historical antecedents, will be a fact pregnant with great and profitable results, since it must co-operate not only to the security of republican institutions, but, also, to the moral and material progress of these states, and even to the preservation of friendly relations with European nations, which Chili, as well as the United States, desires to cultivate and foment.

The envoy extraordinary and minister plenipotentiary of the United States is also pleased to inform the undersigned that his government has viewed with especial interest the events occurring in Mexico; and the President of the United States, although confident in the good faith of the allied powers, and in the sincerity of their promises not to intervene to change the form of government of Mexico, has deemed it his duty to manifest to them his opinion that a monarchy, upheld by foreign armies and navies, would have no prospect of permanency in that country.

The undersigned has been especially charged by the president of the republic to manifest to the envoy extraordinary and minister plenipotentiary that he participates in the accurate opinion of the President of the United States upon the inefficacy of substituting in Mexico for the republic a monarchy constituted in favor of a Mexican citizen or foreign prince. A foreign prince would, doubtless, need the constant aid and protection of foreign forces, which would place him under a permanent tutelage, which, while it would weaken the prestige of authority, would deprive him of his true independence. A citizen of Mexico would meet with analogous difficulties and the want of those historical antecedents which, in great part, constitute the power of monarchical governments. So that it is impossible to believe that it would succeed in meriting the adhesion of the people.

Nor are social and political changes so easily effected. The constitution, in republics of the different sections of Spanish America, is, doubtless, the most

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prominent fact of their history, as it is in regard to the United States, as observed by his excellency the envoy extraordinary and minister plenipotentiary. And a new change in the form of government of Mexico would require radical modifications in her customs and other social elements, which, even on the hypothesis that they could be effected at the cost of immense sacrifices and in a long series of years, would give room for a movement of reorganization, slow and dangerous, which would prolong the evil condition of affairs in Mexico instead of affording a remedy therefor.

It is undoubtedly much to be regretted that the perturbations which have agitated the Spanish American republics, and especially Mexico, should have weakened the prestige of the republican system in the estimation of a few, obliging them to seek a remedy in another form of government, which, instead of being the end, would be the beginning of new and more sanguinary contests.

By an error of judgment they deem order and prosperity irreconcilable with the republican system, as though stability and the guarantees of a good government belonged alone to monarchy, without reflecting that the history of all ages has condemned the principles of absolutism, and that (both) republicanism and monarchy have given to nations prosperity and glory.

For the rest, the government of the United States ought ever to count upon the assurance of finding that reciprocity of ideas and sentiments which the undersigned has had the honor to manifest in this note to the honorable Mr. Nelson.

The undersigned likewise entertains the conviction that his excellency, who so worthily and so acceptably to the government of Chili fulfils the high mission with which he is charged, will continue, as up to the present time, co-operating in the development and increase of the cordiality and harmony which happily exist between the republics of Chili and the United States.

With this motive the undersigned takes pleasure in renewing to the envoy extraordinary and minister plenipotentiary the assurances of his high and distinguished consideration, and in subscribing himself his excellency's attentive and obsequious servant,

MANUEL A. TOCORNAL.

The ENVOY EXTRAORDINARY
and Minister Plenipotentiary of the
United States of North America.

Mr. Nelson to Mr. Seward

[Extract.]

LEGATION OF THE UNITED STATES,
Santiago de Chili, January 15, 1863.

SIR: I have the honor to enclose herein a copy of a note by me addressed under date of the 12th instant to his excellency the secretary of foreign relations of Chili, conveying to him the satisfaction experienced by my government upon learning the just and liberal sentiments of his own in regard to the policy of the American States and their mutual relations, and also upon being informed of the generous sentiments of sympathy entertained by the enlightened statesmen of Chili towards the United States, and of confidence in their final triumph over the dangers by which they are momentarily assailed.

In former despatches I have had occasion to allude to the gratifying change in the feelings of the people of Chili towards the United States, as manifested by the press and private individuals, as well as by the government itself.

A few days since I called upon Don Manuel A. Tocornal, secretary of for-

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eign relations. The visit was of an entirely unofficial character, and at his private residence; but the conversation, being almost exclusively confined to the state of affairs in the United States, was of so interesting a nature that I deem it my duty to transmit to you a brief summary of the same.

Mr. Tocornal, after alluding to the reply of the cabinet of St. Petersburg to the note of M. Drouyn de l'Huys, proposing mediation in American affairs, characterized it as "frank and just," stating that Russia had pursued a frank and friendly policy towards the United States from the beginning of the rebellion. He stated that he felt the deepest interest in the preservation of the integrity of the American Union, and frequently conversed with the venerable Don Andres Bello upon American affairs, looking up to his counsels as to the impartial views of a philosopher, whose advanced age and approaching end rendered his words most impressive, and worthy of respectful attention. Mr. Bello stated to him that as an American, in its continental sense, he could not but regard with the most profound interest the existing struggle, and feel earnestly hopeful for the preservation of the Union; that viewing the subject dispassionately, Americans could not regard the possible breaking up of so great and good a nation otherwise than as a calamity to mankind.

That Americans must not deceive themselves nor suffer remembrances of past events to blind them to the true interests of this continent, which would receive a fatal blow in the severance of the United States. That, putting aside all considerations save those of mere interest, it was evident that in the maintenance of one great power in the north, instead of two of lesser might, lay the great safeguard of the integrity of the political rights of this continent. "What," said he, "would be the result of dissolution? We acknowledge that the United States are far in advance of us in all the elements of progress and civilization. We know that the north alone would be scarcely less great, as compared with South America, than the United States; that even the south alone would be great in comparison, yet the question would finally be transferred to Europe for settlement, and we need the protecting power of one great and undivided nation in the north to check her ambitious designs. Were the rebellion to succeed, peace would not ensue; for while in the north there were the grand elements of conservatism, labor, intellectuality and respect for authority, in the south there existed the thirst for territory and the germs of continual discord. The United States not only need no more extended territory, but believe that by widening their boundaries their power would be weakened; while the south has been for years watching her defenceless neighbors, hoping to acquire territory for the extension of her favorite institution."

Mr. Tocornal concluded by stating that he coincided fully in the views and sentiments expressed by Mr. Bello.

I availed myself of the occasion to assure the minister of the satisfaction with which my government had been made aware of the generous sympathy and confidence expressed by Chili in the success of our arms in the present struggle, and reiterated the assurance that the United States never for one moment admitted the possibility of a severance of that Union, or the destruction of the best and wisest government in the world by the hand of faction.

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Very respectfully, your obedient servant,

THOMAS H. NELSON.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

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Mr. Nelson to Mr. Tocornal.

LEGATION OF THE UNITED STATES,
Santiago de Chili, January 12, 1863.

SIR: I take great pleasure in transmitting to your excellency the following extract from a recent despatch of the honorable Secretary of State of the United States:

"It will be to you, I am sure, a pleasant duty to inform his excellency M. Tocornal that the President appreciates in the highest degree the just and liberal sentiments in regard to the policy of the American states and their mutual relations which are expressed in the very able note of the Chilian minister for foreign affairs which you have transmitted with your despatch."

In a subsequent communication the honorable Secretary assures me that the President was deeply impressed by the hospitalities shown to Mr. Mackie, and by the generous sentiments towards our country expressed by his excellency the president and other enlightened statesmen of Chili, adding:

"The United States, although greatly absorbed in the conduct of an unavoidable civil war of no inconsiderable dimensions, have nevertheless, not even for one moment, lost sight of the position which they hold in relation to the cause of freedom and humanity in this hemisphere. They are especially grateful to the republic of Chili for its renewed expressions of sympathy and confidence in their triumph over the dangers by which they are for the moment assailed."

It is with sincere satisfaction that I have the honor to transmit to your excellency these sentiments of my government; and availing myself of this occasion, I beg to renew to your excellency the assurances of my cordial esteem and distinguished consideration.

THOMAS H. NELSON.

His Excellency the SECRETARY OF FOREIGN RELATIONS
Of the Republic of Chili.

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PORTUGAL.

Mr. Harvey to Mr. Seward.

No. 162.] LEGATION OF THE UNITED STATES,
Lisbon, October 11, 1862.

SIR: A letter from Mr. Sprague, United States consul at Gibraltar, informs me that the storeship Release, which recently came from Fayal to notify our naval commanders of the piratical expedition near Flores, has reached Algeciras, and is now lying opposite the Sumter, in the hope of detaining the latter until another and a better ship can discharge the duty of guarding the movements of that pirate.

As yet no intelligence has been received from the Constellation in the Mediterranean, and it is not known where she is cruising. I have requested Mr. Sprague to communicate with all our consuls in that sea, so that the desired information may reach her commander, who is doubtless engaged in the discharge of his duty. But the fact that there is a want of concert or system in the disposition of the ships which have been sent to Europe is made glaringly manifest, when we do not know where to address the senior officer on a most urgent occasion.

A simple plan might be easily adopted, whereby ministers and others would be informed of the movements of these few ships, and how to reach them in case of necessity. Without some such plan their efficiency and value will be materially impaired.

I am, sir, very respectfully, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State,

Mr. Harvey to Mr. Seward

No. 171.] LEGATION OF THE UNITED STATES,
Lisbon, November 5, 1862.

SIR: The apprehensions expressed in my despatches for several months past, when I repeatedly urged the adoption of certain precautions by the Navy Department, have been verified by serious depredations upon our commerce, as you must have learned before this time.

It appears from news just received here that the piratical cruiser Alabama, after destroying a large number of whaling ships near the Azores, steered westward towards the banks of Newfoundland, so as to be in the track of regular trade on the Atlantic, where several other vessels, one of them freighted with flour and grain for this port, were destroyed. I take it for granted that as soon as that intelligence reached Washington prompt measures were adopted to protect our outgoing commerce.

The commander of the Alabama is too shrewd, however, to expose himself voluntarily to capture, and too active in the enemy's service to remain long in

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one locality, especially where the presence of an equal or superior force may be expected. It is quite probable that he will recross the Atlantic by the general route of travel, with a chance of pursuing his criminal vocation to the injury of our people.

Acting upon this theory, and after personally conferring with the commander of the Tuscarora, (which had returned here from the Azores,) I addressed him a letter yesterday, of which a copy is enclosed, marked P, and in accordance with that suggestion he started to-day on a cruise of protection and pursuit with a hope of encountering the pirate.

After being informed of the recent outrages, I could not properly permit a ship-of-war to remain idle in port without making an effort to punish the guilty and defend the innocent. That reason is the justification of my action, which I venture to believe will receive approval.

I transmit herewith papers, marked Q and R, containing a report from Captain Vickerine of his cruise to the Azores. The Kearsarge, which he commands, has been quite unfortunate in her machinery. If she were in proper condition, with the aid of the Tuscarora, and another swift and strong steamer, the present service on this side of the Atlantic could be efficiently performed; but if the reports of piratical cruisers being fitted out on the Clyde, and near Liverpool, are true, then one or two others at least would be needed. Unless, however, some organization be perfected, by which every ship can be called into immediate requisition, through regular reports from the commanders to the ministers, no confidence in good results will be felt. Much time, money, and effort have been most unprofitably expended, simply because there has been no plan and no concert in these praiseworthy but inefficient endeavors.

Again, the exigencies which may arise, as hard experience has already shown, are sudden, and can scarcely be foreseen or provided for in the usual orders given to commanding officers for specific cruises. A margin of discretion must either be allowed to the minister who is called upon to act, or to some superior naval authority in charge of the squadron and service. I have never hesitated to take any responsibility that duty required, but it has necessarily been confined to pressing emergencies, as I have not felt at liberty to interfere with positive orders, when having in view precautionary measures only; nor would the officers, in such cases, have felt authorized to ignore or to depart from their orders. The circumstances are unusual, and to combat them successfully the means must be adapted to the end.

I am, sir, very respectfully, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

P.

LEGATION OF THE UNITED STATES,
Lisbon, November 4, 1862.

SIR: It is known, from various sources of information, that the piratical cruiser Alabama is still pursuing the career of destruction and depredation upon American commerce, which was recently commenced off the island of Flores.

By the last accounts it would seem that this cruiser, after leaving the Azores, took a western course towards Newfoundland, and in that vicinity destroyed and burnt other ships bound on regular voyages between New York and the ports of Europe. Among them was one laden with a valuable cargo for this port.

I have reason to believe that a large number of vessels freighted with cereals have already left, or soon will leave, New York for Lisbon. It is of great consequence that they, and others in similar category, should be protected. Your ship is the only one now available for the purpose on this side of the Atlantic, the Kearsarge being temporarily disabled.

My decided opinion is, and my advice conforms to it, that the Tuscarora should proceed

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forthwith to those waters and places where the most efficient succor and protection can be afforded to merchant vessels destined for Europe, or *vice versa*, from and to the northern ports of the United States.

I would, therefore, strongly recommend a cruise between the Azores and the west Atlantic coast, along the general track of commerce, until proper relief is furnished by the Navy Department, which may soon be confidently expected, if it has not already been provided. Afterwards I would advise you to return to these waters, since it may be supposed that the scene of depredation will be changed, and we should be prepared for all such contingencies.

I am, sir, very respectfully,

JAMES E. HARVEY.

Commander T. AUGUSTUS CRAVEN,
United States Steamer Tuscarora, Lisbon.

Q.

Captain Pickering to Mr. Harvey.

UNITED STATES STEAMSHIP KEARSARGE,
Algeciras Bay, October 28, 1862.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th ultimo, enclosing a description of the rebel steamer Alabama, and a translation of the proclamation of the King of Portugal.

In compliance with your request that I should communicate with you as often as practicable on the progress of events, &c, I have to inform you that the reported destruction of ten American whalers by the Alabama was confirmed by our consul, Mr. Charles Dabney, from whom, and from other authentic sources, I learned that the Alabama sailed from Liverpool under English colors and the name of "290," followed shortly after by the Barcelona, ladened with guns and ammunition. These steamers effected the transfer of armament, ammunition, stores, &c., at a small bay to the southward and westward of the town of Angra (Terceira) under *English colors*, and, I believe, in opposition to the remonstrance of the authorities of Angra, where, after the transfer was completed, guns mounted, &c., a small man, with gray moustache, and until then in citizen's dress, appeared in confederate uniform and took command; his name was "Semmes." In justice to the Portuguese government and to the authorities of the Western islands, I will here state my conviction, founded upon personal observation and intercourse, that nothing but respect to the neutral flag prevented the seizure of both steamers while engaged in this transfer. It is to be regretted that the English government has not the power or the inclination to prevent this abuse and prostitution of her time-honored flag.

My cruise among the Western islands, I regret to say, was cut short by the report of my engineers upon the condition of the engines, after a chase of nineteen hours in pursuit of a double smoke-pipe, paddle-wheel steamer, which I lost sight of during a dark and rainy night. She was standing to eastward and probably bound to England.

Finding myself crippled, and needing five or six days' repairs, which it would have been imprudent to have attempted at this season of the year at the Western islands, even could the castings have been obtained, I resolved to return; and leaving the enclosed order with Commander Craven, of the Tuscarora, I cruised through the islands, touched at Madeira, and arrived here on Sunday morning. I propose sailing for Cadiz in a few days.

I have the honor to be your obedient servant,

C. W. PICKERING, *Captain.*

Hon. JAMES E. HARVEY,
United States Minister, Lisbon.

R.

UNITED STATES STEAM-SLOOP KEARSARGE,
Fayal, October 14, 1862.

SIR: So soon as you have satisfied yourself that the rebel steamer Alabama has left the vicinity of the Azores, you will proceed with the Tuscarora to Lisbon, Portugal, for the purpose of conferring with and obtaining such information from the United States minister,

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James E. Harvey, as may guide your future movements for the protection of our commerce against rebel cruisers.

I am, respectfully, &c., your obedient servant,

C. W. PICKERING, *Captain.*

Commander T. AUGUSTUS CRAVEN,
Commanding United States Steamship Tuscarora.

Mr. Harvey to Mr. Seward.

No. 173.] LEGATION OF THE UNITED STATES,
Lisbon, November 6, 1862—*evening.*

SIR: I transmit herewith the copy of a telegram, addressed to Commander Craven by the assistant secretary of the United States legation at London, which will explain itself.

As the Tuscarora started yesterday for the Azores, and for a cruise beyond those islands, this information could not be communicated to her commander. Its importance, however, demanded immediate action, and I have just sent the following telegram to our consul at Gibraltar in the hope of intercepting the Tuscarora at Fayal:

"H. J. SPRAGUE, *United States Consul, Gibraltar:*

"Telegraph Captain Pickering immediately that steamer Bahama, with men and munitions, is going to meet Semmes at Azores. Turkish steamer Shasgehaad has taken despatches there for Semmes.

"Let Kearsarge return to Azores, if possible, forthwith. If not, let Chippew go with this information to meet Tuscarora, which started for Fayal yesterday

"JAMES E. HARVEY."

The United States gunboat Chippewa, now at Algeciras, is said to be swift, and if my suggestion is adopted promptly, these pirates may be captured. All the means at my disposal or discretion have been employed with as much efficiency as the circumstances would admit.

It is very evident that the opinions expressed in my No. 168½ are well founded, and that the Western islands are to be used as a rendezvous for these piratical cruisers, and their British confederates with munitions and supplies. I shall send Mr. Moran's telegram to the minister of foreign affairs immediately, and endeavor to see him personally to-morrow; but you have already been informed of the technical impediments which embarrass my position and injuriously delay and perplex our interests here. Until this difficulty of mere form is relieved, we must expect to meet vexatious procrastination at every step, when the utmost promptitude is needed.

I am, sir, very respectfully, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Telegram.]

LONDON, OCTOBER 5, 1862,
2 *o'clock* 10 *minutes p. m.*

Steamer Bahama, with men and munitions, is going to meet Semmes at Western islands. Turkish steamer Shasgehaad has taken despatches there for Semmes. Cruise there for some days with Kearsarge.

MORAN, *London.*

Captain CRAVEN,
United States Steamer Tuscarora.

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Mr. Harvey to Mr. Seward.

No. 175.] LEGATION OF THE UNITED STATES,
Lisbon, November 8, 1862.

SIR: The correspondence (in copy, marked R and S) herewith communicated needs no particular explanation. It was necessary to shape my action promptly upon the information received, and I have endeavored to exert as much energy and efficiency as indifferent and cramped means allowed. The disability of the Kearsarge is most unfortunate now, as it was at the Azores.

When that vessel was sent to those islands, with the Tuscarora and St. Louis, I did not anticipate the return of the three so suddenly, as will be seen from the following extract of a general letter of suggestion, addressed to Captain Pickering, the senior officer, on the 30th of September, which was delivered to him by the commander of the St. Louis.

"It will be necessary, in any event, to retain one of the two steamers at the Azores for a time. The insurgents have already used those islands, in defiance of the Portuguese authorities, who are comparatively powerless, as a rendezvous for coaling, recruiting, and the transfer of munitions of war from vessels abusing the British flag to steamers in the service of the so-called confederates. And I am credibly informed that a plan has been contrived to establish a coal station at one of the islands, making it the entrepot of a regular contraband commerce, inimical to the interests of the United States, and in flagrant violation of the proclamation of the King of Portugal, of July 29, 1861, of which I enclose you a translated copy."

The expectation thus foreshadowed, as a result of reflection only, has been literally verified by recent information from London, already communicated to the department with my No. 173. If the naval officers had received the impression which the circumstances and situation had forced upon my mind, one of the steamers would have remained at or near the Azores, and thus have saved the necessity of returning there. They doubtless, however, acted under their best convictions of duty.

I am, sir, very respectfully, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Captain Pickering.

UNITED STATES LEGATION,
Lisbon, November 5, 1862.

SIR: I have received your report of the cruise to the Azores, and communicated a copy of it to the Department of State for information.

The machinery of the Kearsarge appears to be imperfect and unfit for the service which she has been and may be required to perform, if the reports that have reached me from various sources are correct. Deferring to your superior knowledge in such matters, I would venture to suggest whether it would not be better to have the defects at once thoroughly examined and restored wherever the repairs can be done most speedily and completely, than to rely upon a temporary remedy, with the hazard of a recurrence or disability. I am informed that such work cannot be executed promptly or reliably at Cadiz, and therefore, if you concur in these views, it might be well to proceed to the best French port for that purpose.

A note from Commander Mann has just reached me from Fayal. He proposes cruising towards Gibraltar and going to Cadiz. With the Kearsarge, Release, and Chippewa in that vicinity, I can see no object to be served by his presence there, which might at least be morally useful here, as a fleet of merchantmen with cereals is soon expected.

The Alabama destroyed one of this fleet, together with other ships, near Newfoundland,

about the 9th of October. Of course she will not remain there to be captured, and I am prepared to hear that she has recrossed the Atlantic to intercept the merchantmen coming to Lisbon and other ports. Hence we should have a ship-of-war here and hereabouts.

The Tuscarora will start to-day for the Azores, and thence towards the Great Banks, hoping to encounter the pirate, and afterwards return to these waters.

I am, respectfully,

JAMES E. HARVEY.

Captain C. W. PICKERING,
United States Steamer Kearsarge, Cadiz.

8.

Mr. Harvey to Captain Pickering.

LEGATION OF THE UNITED STATES,
Lisbon, November 6, 1862.

SIR: Since writing you yesterday I have heard, through our legation at London, that the Bahama was to go again to the Azores with men and munitions for Semmes, and that despatches had been sent to him there by a Turkish steamer.

This information authorizes the belief that he is soon to return there, and probably is already on his way back.

Not being certain whether you were still at Algeciras or had gone to Cadiz, I sent the substance of this information to Mr. Sprague, at Gibraltar, with a request that he should telegraph it to you immediately, and that the Kearsarge or Chippewa should proceed forthwith to the Azores to intercept the Tuscarora (which left here yesterday) with it, and to co-operate in the capture of the pirates.

I fear the disability of the Kearsarge will prevent her from going, but I hope the Chippewa will be able to start promptly. You will know whether watch over the Sumter is still really required, and of course will regulate the movements of the St. Louis, referred to in my note yesterday, with such a view to the protection of all interests as may appear most prudent and proper under the changed circumstances.

I am, respectfully,

JAMES E. HARVEY.

Captain C. W. PICKERING,
United States Steamer Kearsarge, Cadiz.

Mr. Harvey to Mr. Seward.

No. 176.] LEGATION OF THE UNITED STATES,
Lisbon, November 10, 1862.

SIR: I had an interview with the Duke de Soulé on Saturday, the 8th instant, the day after the usual stated receptions, in reference to the recent events and outrages at the Azores. In order to emphasize the purpose of my visit, I carried with me the telegram from our legation at London, stating that supplies and despatches had been sent to Semmes, from England, by the Bahama, which transported those received by the Alabama, at Angra, in August, and informed the duke that such proceedings, if not checked at once, would lead to serious complications, and that the parties concerned had doubtless been encouraged to this renewal of their criminal purposes by the reprehensible conduct and bad faith of the local officials on the former occasion. I also stated, immediately, that in view of the violation and disregard of the royal proclamation, and the arming and equipping of the cruiser Alabama in a Portuguese port, a question of reclamation for the whaling ships which were destroyed near Flores might arise, though I did not then prefer such a claim. My object was to impress him with the necessity of positive action by the government, and to insure better protection in the future, as well as to indicate the possible consequences of neglect to take the suggested precautions.

He said that my note had been received at the foreign office during his absence

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in Italy, and that a reply had been delayed by the King's marriage and the consequent pressure upon him, but that he would address himself immediately to the subject.

The proverbial procrastination of public men here induced me to prepare the note to the Duke of Soulé (of which a copy is enclosed) so that his pre-occupied memory might not alone be relied on in a matter of so much importance to us.

The accompanying copies of telegrams from Mr. Consul Sprague and Commander Bryson, of the Chippewa, are in answer to one which was addressed to the former on the 6th instant, requesting the Kearsarge or Chippewa to proceed forthwith to the Azores. Upon receiving them, and learning that the Kearsarge was at Cadiz, I sent the following despatch:

"LISBON, *November* 8, 1862.

"It is highly important that the Kearsarge or Chippewa should proceed with all speed to Fayal and other islands, with the information I telegraphed to Sprague on Thursday, so as to intercept the Tuscarora there, which otherwise will go to Newfoundland.

"J. E. HARVEY.

"Captain PICKERING,
"War Steamer Kearsarge, Cadiz."

No reply has yet reached me, and therefore I am unable to say whether either of the vessels has gone to the Azores.

I am informed that the Kearsarge has been ordered to the Gulf of Mexico, and that the Chippewa has been sent out to take her place. The latter is not fitted for the service which our exposed interests require to be performed on this side of the Atlantic.

I am, sir, very respectfully, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Telegrams.]

"ALGECIRAS, *November* 7, 1862.

"Will leave Algeciras this afternoon for Cadiz to communicate with Captain Pickering.

"A. BRYSON,
"United States Steamer Chippewa.

"Mr. HARVEY,
"United States Minister, Lisbon."

"GIBRALTAR, *November* 7, 1862.

"Your telegram received. Chippewa left at once for Cadiz to communicate with Kearsarge as to future movements. Release remains off Algeciras.

"SPRAGUE, *Consul.*

"Mr. HARVEY,
American Minister, Lisbon."

Mr. Harvey to the Duke de Soulé.

LEGATION OF THE UNITED STATES,
Lisbon, November 10, 1862.

SIR: In order that his Majesty's government may be fully informed of the movements and intentions of the piratical cruisers which recently entered, armed and equipped, at the Azores, in defiance of his Majesty's proclamation, as well as in flagrant violation of the revenue laws and regulations of this kingdom, and

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subsequently destroyed ten American whaling ships off the island of Flores, I deem it proper to communicate to your excellency a copy of a telegraphic despatch addressed to Commander Craven, of the United States steamer Tuscarora, by the assistant secretary of the United States legation at London, as follows:

"LONDON, *November* 5, 1862.

"Steamer Bahama, with men and munitions of war, is going to meet Semmes, of the Alabama, at the Western islands. Turkish steamer Shageshead has taken despatches there for Semmes.

"BENJAMIN MORAN.

"Commander CRAVEN,
"United States Steamer Tuscarora, Lisbon."

The steamer Bahama, mentioned in the telegram, is the same vessel which carried the arms and munitions that were transferred to the piratical cruiser Alabama, at Angra, in August last, and by means of which the depredations upon American commerce were committed near Flores. The attention of his Majesty's government was invited to these hostile proceedings and purposes in a note from this legation to his excellency the Viscount Sa da Bandeira, on the 2d of October; and other information besides that now transmitted authorizes the belief that the same parties design to use the islands of Azores as a rendezvous for their cruisers to fit out armed expeditions against the commerce of the United States.

It is proper to observe that such practices, militating as they do against the rights and interests of the United States, if sanctioned by the supineness or encouraged by the infidelity or connivance of local officials on the islands, may lead to complications inconsistent with the good relations that have so long subsisted between Portugal and the United States, and which it is the earnest and sincere desire of my government to continue and cement in every way.

With a view to avoid the happening of such difficulties by timely precautions, and to prevent a recurrence of the injuries and outrages which have lately been witnessed, I have considered it due to candor and to friendly intercourse to lay these additional facts before his Majesty's government, with a full conviction that the motive will be understood, and that measures will be adopted to defeat the criminal designs of those who seek by such acts to disturb the peace and amity of the two nations whose interests, aims, and policy should mutually incline them to good will and to the closer ties of a firm and faithful friendship.

I avail myself of this opportunity to renew the assurances of my most distinguished consideration.

JAMES E. HARVEY.

His Excellency the DUKE DE SOULÉ,
Minister of Foreign Affairs.

Mr. Harvey to Mr. Seward.

No. 181.] LEGATION OF THE UNITED STATES,
Lisbon, November 19, 1862.

SIR: It is proper for me to inform the department that a number of American merchant ships which arrived here recently with cargoes of grain and flour are unable to procure either return freights to the United States or charters for foreign ports, owing to the fears excited by the depredations of the cruiser Alabama.

Instances have been brought to my knowledge where salt even was refused to these ships for ballast, when their commanders offered to transport it without cost. This fact serves to illustrate how our commerce has already suffered, and

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why it must continue to suffer, unless efficient measures are adopted to remove the cause of this serious wrong.

I confess to no small degree of mortification that, while these outrages have been perpetrated before the world, even the insufficient means at our disposal on this side of the Atlantic should not have been effectively and promptly employed. In the absence of steamers which were required for this description of service, one of the best provided and fleetest ships of the United States navy, the Constellation, is cruising in the Mediterranean, where her presence in not now, and has not been, needed at all, when she might have been of very great value elsewhere.

Having seasonably forewarned the proper department through my despatches that these depredations were to be apprehended, that the naval force in Europe imperatively required organization to be efficient, and that at least one additional armed ship of speed was necessary to protect our menaced interests, I have witnessed the developments since then with increased chagrin and regret.

An immense cost must be incurred in the pursuit of the Alabama, after the infliction of these serious injuries, which, in all probability, might have been saved by timely precaution, besides extending protection to innocent commerce which has suffered so severely.

I permit myself now at least to hope that some heed will be given to suggestions relating to the naval force in Europe, which painful experience has shown were not ventured lightly or without sufficient reason.

I am, sir, very respectfully, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Harvey.

No. 91.] DEPARTMENT OF STATE,
Washington, December 24, 1862.

SIR: Your despatch of November 19 (No. 181) has been received, and the information it gives will be at once communicated to the Secretary of the Navy. While every one on this side of the Atlantic feels the same dissatisfaction which you express with the depredations of the 290, and the consequences so injurious to our national commerce which result from them, yet I do not find in any quarter a doubt that the Navy Department is displaying all the activity, diligence, and efficiency which, under the extraordinary circumstances of the country, could reasonably be expected.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., *&c., &c., &c., Lisbon.*

Mr. Seward to Mr. Harvey.

No. 96.] DEPARTMENT OF STATE,
Washington, January 14, 1863.

SIR: Your despatch of December 15 (No. 187) has been received. The correspondence of the department as submitted to Congress has been already sent you. It contains the communications which had passed between this government and that of Great Britain on the subject of the claim of American citizens for depredations committed by the Alabama, or "290," so far as they had pro-

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ceeded before the assembling of Congress. Copies of subsequent papers will be sent to you, if it shall seem profitable at the present time to address the Portuguese government in relation to the kindred questions affecting that government. This does not seem to be the case at the present moment.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., *&c., &c., &c., Lisbon.*

Mr. Harvey to Mr. Seward.

No. 198.] LEGATION OF THE UNITED STATES,
Lisbon, January 27, 1863.

SIR: Information has reached me from different sources to the effect that two steamships of superior speed and strength are now nearly ready for sea in England, intended as auxiliaries to the Alabama, and destined for the same description of criminal service which that vessel has been engaged in.

In view of this information, and in connexion with the fact that the islands of this kingdom have been recently, and are now constantly being employed as the entrepôts of a large trade, covered by the British flag, intended to violate the blockade in the United States, and of the additional fact that there is too much reason to fear that these islands may be again used for the arming and equipment of cruisers against our commerce, it is imperatively necessary that efficient and prompt measures should be taken to arrest this illegal traffic and to prevent the threatened depredations.

With a full appreciation of the difficulties which have to be confronted, and of the energetic efforts of the Navy Department to meet the requirements of the public service at home and abroad, it still seems practicable to provide against the existing and menaced evils without any new strain upon the national resources.

The first important requisite, as I have heretofore ventured to suggest, is to organize the naval force now in Europe upon some plan that will insure greater efficiency and concert of action, looking to the main object for which that force is kept abroad. The emergencies which arise are so sudden, that it is impossible for specific orders of the Navy Department, directing special cruisers, to foresee such exigencies as have occurred, and may be repeated, however wise and proper those orders may be abstractly, or seem to be, at a distance of three thousand miles from the scenes of these frequent and violent attacks upon our exposed commerce. Hence a reason why some superior officer now in Europe, or one to be detailed for the purpose, shall have the main direction of the movements of the ships-of-war, guided by such reliable information as he should receive from the United States ministers, consuls, and others, or acting upon a satisfactory understanding of their views.

The suggested responsibility is undoubtedly unusual, but the occasion is equally so, and the means should therefore be adapted to the end. Experience and observation have satisfied me that if our naval force had been organized in some such manner as is now proposed, much injury at least might have been prevented, with a strong probability of other desirable results. While the commander of each ship-of-war may decide for himself within certain limits, except when in contact with his superiors, where and how he shall cruise, the best dispositions—such dispositions as I must say animate all whom I have met in the discharge of efficient duty—may be thwarted, as they have heretofore been. Our small force would be nearly doubled in vigor by competent and judicious direction on the spot, and would have the additional value of relieving the Navy Department of importunities and anxieties which must augment the cares and distract the attention of its distinguished head.

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Of the ships-of-war in Europe the Tuscarora alone is efficient for the particular service which claims serious attention. The Kearsarge has broken down several times, most unfortunately, and is now under repair. The gunboat Chippewa I only know by report as being small. The Sabine, which is said to be or to have been at the Azores, and the St. Louis, are sailing vessels, entirely unfit to compete with the steamers of the enemy. The Constellation also is a sailing ship, and has been in the Mediterranean for the last nine months. None of the other ships mentioned in the letter of the Secretary of the Navy to the Department of State, dated October 27, 1862, have appeared in these waters to my knowledge.

It will be thus seen at a glance that, practically considered, our force is reduced to the Tuscarora, with one or two unreliable auxiliaries. Commerce cannot be protected, and illegal traffic cannot be even checked, without the presence of two swift and strong steamers in addition to the Tuscarora. They are needed to cruise at and among the islands of Madeira, the Azores, and the Cape de Verd group especially. The annual cost of maintaining the Sabine and St. Louis would, if I am informed rightly, almost cover the price of one such steamer as is wanted, since speed, draught, and limited but well provided armament, are the qualities which this peculiar and exceptional service demands.

Every reflection of my own anxious mind and every proper suggestion from other sources have been exerted with the means at hand to give protection to the persons and property of American citizens exposed on the ocean. But all such efforts must be comparatively without beneficial results until it may be found practicable for the government to increase the efficiency of those means.

I am, sir, very respectfully, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 199.] LEGATION OF THE UNITED STATES,
Lisbon, January 29, 1863.

SIR: My attention has been drawn to the enclosed paragraph from a recent newspaper published at Baltimore, which mentions a fact of some consequence in connexion with the criminal proceedings of the Alabama.

The bark Agrippina is the name of the vessel which appeared at the island of Terceira, Azores, in August last, with munitions of war, &c., for the Alabama, when she entered and was illegally fitted out in the port of Angra before commencing the depredations which took place off Flores.

I have no doubt that the vessel now mentioned is the same one which, by a concerted arrangement, transported the means of equipment to the Azores, and, in that view, that she ought to be made the object of special surveillance by our ships-of-war at home and abroad. Since it would seem to be clear that she is to be, as she has already been, used as a transport in the service of the insurgents for coal and other supplies at appointed places of rendezvous, I shall notify all the naval commanders within my reach to this effect.

I am, sir, very respectfully, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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THE STEAMER ALABAMA.—AN ENGLISH BARK PROVIDES THE ALABAMA WITH FOUR HUNDRED TONS OF COAL.

A letter from Granada, West Indies, to a mercantile house in New York, gives the following report of the steamer Alabama:

"GRANADA, *December*, 6, 1862.

"The American whaling schooner C. L. Sparks, of Provincetown, Captain Harvey Sparks, arrived here yesterday from the isle of Blanquilla, about 170 miles to the westward of this place, and under the Venezuelan government. She reports that while lying there at anchor on the evening of the 21st ultimo, the confederate steamer Alabama and the English bark Agrippina, of Scarboro', England, coal-laden, arrived there from Martinique. The Alabama took on board from the Agrippina 400 tons of coal, and both vessels sailed again on the evening of the 25th. Captain Sparks also reports having been detained on board the Alabama as a prisoner during her stay, and his vessel strictly guarded. He was told by Captain Semmes had he caught him three miles from the land under canvas, he would have burned his vessel. The Alabama has a heavy broadside and two large rifled pivot guns, and had destroyed twenty-three vessels. The last one was on the 8th of November—a Boston ship from the East Indies with a very valuable cargo."

This must have been the T. B. Wales, already reported

Mr. Harvey to Mr. Seward.

No. 206.] LEGATION OF THE UNITED STATES,
Lisbon, February 27, 1863.

SIR: The King favored me with a special audience yesterday to receive the President's letter, which accompanied your No. 94 of the 10th of January. As the occasion was exceptional, I thought it becoming to make a few remarks, which were substantially as follows:

Sire, I am directed by the President to deliver to your Majesty a letter conveying his congratulations on the occasion of your Majesty's marriage. I avail myself of the privilege of this opportunity to unite my personal felicitations to those of the President upon that auspicious event, and to express the sincere and earnest hope that it may be attended by a long reign of peace, prosperity, and happiness to your Majesty's people and kingdom.

His Majesty desired that his friendly acknowledgment of this civility should be made known to the President, and he was pleased also to express kind and courteous sentiments for the manner in which I had borne it to him.

After the ceremonial was concluded, the King inquired whether I had received any recent intelligence from the United States; and, in a manner somewhat emphasized, observed it was time the war should terminate; that it was deranging commerce and relations, and ought, therefore, to be brought to a close.

Believing that this inquiry was not altogether spontaneous, I answered by saying that the public journals of Europe announced, from various sources of intelligence in the United States, that the largest operations of the war were at this very time concentrated at several of the most important points on the Atlantic coast and on the Mississippi, and that their results must have a very material bearing upon the issue of the struggle; that no country engaged in a vast civil war could be expected to fix a time certain for its termination, but that the present turn of events seemed to indicate that we were approaching a period when a decision was imminent; that so far as the derangements of commerce were concerned, they were inevitable to a condition of civil strife, and bore more seriously and more directly upon our own people than upon any foreign nation, and, therefore, that we had the first interest and the strongest motive to bring it to a speedy end; and that so far as our relations with foreign powers are concerned, we had endeavored to discharge our obligations honorably and

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fully, and to avert, as far as possible, the indirect consequences of a rebellion which had for its object the overthrow of constituted authority, and which had been encouraged, if not incited, by those who now complained the most.

The King assented to the general correctness of these suggestions, and expressed the hope that the pending military operations would terminate the struggle. I then took leave of him.

I am, sir, very respectfully, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Harvey.

No. 109.] DEPARTMENT OF STATE,
Washington, April 1, 1863.

SIR: Your despatch of February 27 (No. 206) has been received. Your reply to the remarks made by his Majesty concerning our affairs is approved. The President, as you intimated on that occasion, deplores the derangement of commerce which has resulted from the civil war in the United States, and the whole American people desire, even more heartily than any foreign state can, the restoration of peace. But you can never be too emphatic in saying, whenever required to express yourself, that this country neither promises nor looks for peace, save only through the restoration of the national authority throughout the republic. Any other peace than that would be perpetual wars, which foreign nations would find infinitely more intolerable than the present strife, in regard to which they manifest an impatience which continually furnishes only fresh fuel to the fires they inconsistently crave us to extinguish.

I am, sir, your most obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., *&c., &c., &c., Lisbon.*

Mr. Harvey to Mr. Seward.

No. 211.] LEGATION OF THE UNITED STATES,
Lisbon, April 4, 1863.

SIR: I have had the honor to receive your despatches Nos. 101, 102, 103, 104, and 105, and circular No. 32, relating to the facilities and inducements offered to settlers upon the public domain under recent acts of Congress.

In exercising the discretion conferred by the circular, I have thought it expedient to give the material facts publicity through the press in those parts of this kingdom from which migration to the United States might be most probably expected.

I am, sir, very respectfully, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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Mr. Harvey to Mr. Seward.

No. 214.] LEGATION OF THE UNITED STATES,
Lisbon, April 9, 1863.

SIR: In obeying the instructions of your special circular, dated the 9th of March, I consider it better to address a formal note to the minister of foreign affairs, covering a copy of the concurrent resolutions of Congress in regard to foreign intervention, than merely to read them to him and leave a copy, since in any event the resolutions would require to be translated into Portuguese.

I transmit herewith a copy of my note on the subject. His Majesty's government had already been made acquainted with our policy and purpose in regard to foreign intervention, both by the views which I took occasion to present when first entering upon the duties of this mission, in connexion with the royal proclamation against piratical cruisers, and subsequently by your own able and exhaustive instructions, which were communicated in substance.

The resolutions in Congress would seem to be intended mainly to indorse and emphasize the previous action of the Executive. In that respect they give force to the declarations of the government, by exhibiting a full accord and unity of purpose among its several departments.

I am, sir, very respectfully, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to the Duke de Soulé.

LEGATION OF THE UNITED STATES,
Lisbon, April 9, 1863.

SIR: I am instructed to lay before the government of his Most Faithful Majesty a copy of concurrent resolutions of the Congress of the United States concerning foreign intervention in the rebellion which now unhappily disturbs the peace of the Union, and which, in a greater or less degree, affects its intercourse and commerce with other nations.

These resolutions affirm and emphasize the policy and principles which had been already announced by the executive department of the government; and they may also be regarded as a reflection of the popular will, expressed through the national Congress.

Non-intervention in the domestic affairs of other nations is an honored and traditional policy, which the government of the United States has consistently and faithfully observed, even at times and under circumstances that justly excited the generous sympathy of its people, and when any active interference, responsive to that sentiment, might have given a direction to it, if not have determined great events.

Having thus uprightly practiced its professions of non-intervention towards others, it may be readily assumed that the government of the United States could not consent to accept the mediation, or to tolerate the interference of foreign powers, in a question which, first of all, concerns the exercise of its own authority, the administration of its own laws, the preservation of its peace, and the conduct of its internal affairs.

If there be one subject more than another upon which the feeling, the heart, and the determination of the people of the United States are united and welded together as in one mighty will, it is to terminate the evil strife which now disturbs the public tranquillity with their own strong arms, and without any for-

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eign interference whatever, whether under the form of mediation or of intrusive intervention.

While the government of the United States has accepted at their full value the friendly protestations which accompanied certain well known offers of mediation, it was constrained to decline them, as being inconsistent with both its policy in the past, and with its purpose in the future. And this decision may be considered as conclusive upon a subject which has occupied a full share of the attention of public men in Europe, and sometimes to the exclusion of affairs and agitations within a nearer range of view, which more specially affected their direct interests, and more naturally addressed their benevolent sympathies.

It is the earnest and sincere desire of the government which I have the honor to represent, not only to preserve peace, but to cultivate the most liberal and friendly terms of intercourse with all nations, to bind more closely together those which already exist, and to strengthen them with new ties of amity and of enlarged commerce. Interest alone would advise such a policy, if a higher sense of duty did not solemnly enjoin it.

Hence, in advising foreign powers that no form of interference can be admitted, the government of the United States is animated by a desire to prevent all misconception, to the end that the civil strife may thus be deprived of a support upon which its chiefs have long leaned, and that the sad consequences which such a war inflicts, directly and indirectly, may be arrested by its speedy conclusion.

I avail myself of this opportunity to repeat the assurances of my highest respect and consideration.

JAMES E. HARVEY.

His Excellency the DUKE DE SOULÉ,
Minister of Foreign Affairs.

Mr. Harvey to Mr. Seward.

No. 218.] LEGATION OF THE UNITED STATES,
Lisbon, April 19, 1863.

SIR: I have the honor to enclose in this despatch the copy of a note addressed to me by his excellency the Duke de Soulé, in reply to mine which communicated the concurrent resolutions of Congress concerning foreign intervention in the rebellion.

The duke's answer is sufficiently non-committal to allow him the utmost margin for any action or opinion that he may adopt hereafter, either from necessity or from choice. And it may be assumed that the course of this government will be determined, to a very great extent, by the exterior counsels upon which it has been too much accustomed to rely, and by the direction which its closest alliances may take.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

Duke de Soulé to Mr. Harvey.

[Translation.]

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,
April 18, 1863.

I had the honor of receiving the note which you were pleased to address to me, under date of 9th instant, making known to me, by order of your govern-

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ment, some resolutions taken by the Congress of the United States regarding foreign intervention in the warfare which is now unfortunately interfering with the peace of the American Union.

Having most attentively read your said note, it is my duty to tender you my thanks for the transmission of the document which accompanied it.

I avail of this opportunity to renew the assurance of my most distinguished consideration.

DUQUE DE SOULÉ.

JAMES E. HARVEY, *&c., &c., &c.*

Mr. Seward to Mr. Harvey.

No. 110.] DEPARTMENT OF STATE,
Washington, April 24, 1863.

SIR: Your very interesting despatch of the 22d of March, 1863, has been received. The people of Poland are subjects of a traditional sympathy, which is coextensive with civilization. In no country is this sympathy more intense than in the United States. Since the European states, which have taken the cause of that heroic people into consideration, have concluded to confine their action upon it to an appeal to the magnanimity of Russia, it is earnestly to be desired that this very pacific form of intervention will not be fruitless. The noble character of the present ruler of Russia, I think, warrants an expectation that, while he is so diligently and so generously ameliorating the condition of the Russian people generally, he will not hesitate to bestow the boon of freedom to his unwilling subjects in Poland.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., *&c., &c., &c., Lisbon.*

Mr. Harvey to Mr. Seward.

No. 223.] LEGATION OF THE UNITED STATES,
Lisbon, May 2, 1863.

SIR: I have had the honor to receive your despatch No. 107. Its instructions had already been anticipated to the full extent of your views and wishes. I have uniformly held but one language to all persons, whether in authority or in private station, when the subject of our unhappy strife was broached—to the effect that, much as peace was desired, and sad as were the consequences of the war, there could be no cessation of the measures of repression until the civil authority of the government was restored, in all its force and efficacy, over the insurgent communities.

His Majesty's government is so well assured, from experience, of the reply that would certainly and promptly follow any inquiry or suggestion on this matter, that, either from a consideration of delicacy or for some other reason equally becoming, the subject has not been introduced recently at all in my presence.

When questions have been addressed to me concerning the war and the situation, I have endeavored to state the facts candidly, and as they appeared to me at this distance from the scene of conflict, without any coloring which the results did not justify, and with no promise which the patriotism of the peo-

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ple and the resources of the nation did not entirely warrant. The national cause does not gain, but rather loses, by an excess of confident assurances which a sudden turn of events may derange; and, therefore, I have considered it more prudent, in all my intercourse, to allow the actual facts to interpret themselves, since no official representation can either increase their moral force, or diminish their material value, with intelligent minds.

Hence there is a fair appreciation here of the state of the war, and of the casualties changes, and chances to which such a situation is exposed; and I may add, with very little reservation, that, notwithstanding the loss of an accustomed commerce with the United States, and the failure of the usual supply of cotton, which Portugal, as a small state, feels in a proportionate degree with the larger nations, the general feeling toward us is one of sympathy, of kindness, and of considerate friendship—a feeling which it has been my duty and my pleasure to cultivate in every proper way.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 237.] LEGATION OF THE UNITED STATES,
Lisbon, October 29, 1863.

SIR: I have just received information that the rebel cruiser Georgia, the recent depredations of which are reported in my No. 236, boarded the British steamer Braganza, which arrived here yesterday, on Sunday last, about one hundred and fifty miles from this port. The Georgia was then proceeding to the northward and eastward.

I enclose a copy of a telegram which I have now despatched to Captain Winslow, of the United States steamer Kearsarge, at Brest. Being entirely ignorant of the orders under which he is acting, and knowing of the presence of the Florida at Brest, I did not feel at liberty to do more than give this information, supposing, also, that he has discretion, or instructions, for all such contingencies.

The sloop-of-war St. Louis is about to go to Cadiz for stores, which, it appears, have been sent there. I beg to say in connexion, again, what I have endeavored to impress before, that it is of the first importance to the public interests that our naval force in Europe should be so organized as to be available for these frequent emergencies. Cadiz is a pleasant port, presenting various attractions which tempt our ships-of-war there much oftener than is needed for the good of the service. It is frequently difficult of entrance, and all officers agree that the opportunities of such intelligence as is wanted are far more limited than here, where greater advantages in every respect are offered. Our small strength abroad is thus frittered away by the want of some simple and systematic plan for its regulation, and without which it is really worse than useless, because large expense is incurred for its maintenance, while no substantial benefit is conferred.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington City.

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[Telegram.]

LISBON, *October* 29, 1863.

Rebel cruiser Georgia has been continuing outrages near Teneriffe. Was seen and boarded on Sunday last by Liverpool steamer Braganza, 150 miles from here, stearing northward and eastward, in direction of British channel.

JAMES E. HARVEY,
United States Minister.

Captain WINSLOW,
United States War Steamer Kearsarge, Brest.

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SWITZERLAND.

Mr. Seward to Mr. Fogg.

No. 23.] DEPARTMENT OF STATE,
Washington, August 14, 1862.

SIR: Your despatch of July 29 (No. 19) is before me.

I have received the Count de Gasparin's new volume, and I have made an especial acknowledgment to the distinguished author of our national obligations for the timely and noble service he has rendered to our cause.

Ambition is, I believe, a universal passion. Few, however, have the wisdom to direct it. When this storm of passion which has lashed the customarily peaceful elements here into such wild commotion, perplexing and confounding the statesmen and philanthropists of other nations, shall have passed away, and the United States shall reappear among the nations more free, more united, more prosperous and happy than ever before, who is there in Europe that will not wish that, like the Count de Gasparin, he had had the generous sagacity to be their friend and advocate? If, indeed, a different result were possible, and if this great nation could suddenly desist and fall off from its beneficent career, what prouder distinction could human genius desire than the acknowledgment which the Count de Gasparin must, in that case, receive, that he, bound to the country by no ties but those of a common humanity, had labored to prevent the great calamity which the world would surely then so soon perceive, and so universally deplore.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE G. FOGG, Esq., *&c., &c., Berne.*

Mr. Seward to Mr. Fogg.

No. 25.] DEPARTMENT OF STATE,
Washington, September 19, 1862.

SIR: Your despatch of August 28 (No. 21) has been received. It is pleasant to see that while this republic is engaged in so severe a struggle to preserve its existence, the only state in Europe which enjoys such free institutions is contented, peaceful, and prosperous. We are, however, only passing through a trial of which Switzerland has had many painful experiences.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE G. FOGG, Esq., *&c., &c., Berne.*

Mr. Seward to Mr. Fogg.

No. 26.] DEPARTMENT OF STATE,
Washington, September 26, 1862.

SIR: Your despatch of September 4 (No. 22) has been received.

Doubtless you are right in supposing that it is difficult for the truth in relation to the social condition of this country to make its way to the people of

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Europe against the statements of an interested or prejudiced press. But the great facts of millions of acres of unoccupied and fertile lands awaiting cultivators, and increasing demands for bread for our own growing armies, manufacturing towns, and mining districts, while there is a diversion by the hundreds of thousands of our industrial population into the occupations of war, must in the end overcome all misrepresentations and reach classes in Europe who are suffering for want of employment. It is not practically true that there is a deficiency of soldiers in the country. All the early requisitions were promptly filled. Four hundred thousand have volunteered within two months under the two last calls for an aggregate of six hundred thousand, and one month more will bring in the remainder almost without a doubt. On the other hand, those who emigrate can choose peaceful labor or military service when they arrive, as the armies are always ready for recruits to fill vacancies. I trust, therefore, that immigration will prove more rapid than you have apprehended.

The subject of favoring military immigration by offering special inducements in Europe has been often submitted to the War Department, but it has not yet thought it necessary or expedient to adopt any means of that kind.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE G. FOGG, Esq., *&c., &c., Berne.*

Mr. Seward to Mr. Fogg.

No. 27.] DEPARTMENT OF STATE,
Washington, November 10, 1862.

SIR: Your despatch of October 7 (No. 24) has been received, and it is a pleasure to the President to know that the important proceedings which he has adopted with a view to the prosecution of the war in the insurrectionary States for the restoration of the Union are favorably understood in the enlightened country in which you reside.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE G. FOGG, Esq., *&c., &c., Berne.*

Mr. Fogg to Mr. Seward.

[Extracts.]

No. 30.] UNITED STATES LEGATION,
Berne, January 24, 1863.

SIR: Your circular of January 3, transmitting the President's proclamation declaring slavery no longer to exist in the insurrectionary States and districts of the United States, is received.

Permit me, without discussing the military efficiency of the measure, to express the opinion that this act, which emancipates "about three and one-half millions of slaves," does and will "commend itself to the enlightened judgment and moral approbation" of every friend of our republic and of liberal institutions in Europe. A more extensive approbation than this, I suppose, neither yourself nor the President expected. It could not have been intended to please rebels nor despots, at home and abroad.

As you have too many reasons to know, the enemies of our Union are not

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confined to America. They have their coteries at all the leading European courts, and bask in the active sympathy of some of the leading governments. *These* governments and the spirits which control them will not approbate the present act, nor any act of justice which the President and the government of the United States may perform. Desiring our national humiliation and the overthrow of our republican institutions, they will abate none of their hostility by reason either of our military or moral victories. What they dare do against us and for the rebellion, they will do unplacated alike by our wisdom or our faults.

* * * * * * * *

One additional word, on the probabilities or dangers of foreign forcible intervention in American affairs, and I close a communication already long. I see no reason to fear such intervention. In the greater portion of Europe there is a growing just appreciation of the issues involved in our struggle, and less and less popular sympathy with the rebellion. I think this is true even in England. I am sure it is upon the continent. In Switzerland I know of no public press or public man whose sympathies are not now with the federal government. It is everywhere understood to be a struggle between freedom and despotism. To almost as universal an extent, the same thing is true of Germany. It is only in illiberal and reactionary court circles, odorous with the flavor of past, or dreams of future, despotisms, that the rebellion has its sympathizers and friends.

* * * * * * * *

With sincere regard, your obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States of America.

Mr. Seward to Mr. Fogg.

No. 32.] DEPARTMENT OF STATE,
Washington, February 26, 1863.

SIR: Your suggestive despatches of January 24 (No. 30) and January 31 (No. 31) have been submitted to the President. In answer I am instructed to say that, while this government is watchful in its foreign relations, and constantly endeavors by practicing prudence and forbearance, as well as strict justice, in its intercourse with other States, to avert hostilities in every quarter, it is at the same time not seriously apprehending any immediate collision. It is true that a nation which surrenders itself to the evils of sedition is always exposed, and it is true also that many other nations suffer only less than we do ourselves in the calamities of our civil war. But the question of intervening in our affairs must be, even in such circumstances, a practical one, and it is not seen how any one of the maritime powers could hope to derive advantages from such an enterprise, or even escape hazards, not unworthy of serious consideration. It is only just to these powers to add, that their correspondence with this government is altogether so cordial and friendly as to leave us no grounds to apprehend any injurious designs on their part.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE G. FOGG, Esq., &c., &c., *Berne.*

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Mr. Fogg to Mr. Seward.

No. 36.] UNITED STATES LEGATION,
Berne, April 4, 1863.

SIR: Your circular, dated March 9, transmitting the "resolutions of the Congress of the United States concerning foreign intervention in the existing rebellion," and instructing me to make said resolutions known to the Swiss government by reading them to the minister of foreign affairs, or by delivering to him a copy thereof, was received a few days ago.

In pursuance of your instructions, I this day delivered in person to his excellency the President of the confederation and minister of foreign affairs a copy of said resolutions, accompanied with a carefully prepared French translation of the same. The President took this occasion to reiterate his previously expressed wishes for the welfare and prosperity of the United States, and for the suppression of the rebellion. He authorized me to inform the President of the United States that he entirely approved the course of our government in rejecting all propositions of foreign intervention, and in notifying the powers proposing such intervention that such propositions could not be regarded as evincing friendship for the United States. In this connexion he alluded to the offers of mediation which several of the great European powers made to Switzerland during the famous "Sonderbunds" war, and the advice which the government of the confederation then received from almost all quarters to consent to a secession of the rebellious cantons.

In this connexion I may add, for the encouragement of our own government to persist in the efforts to put down the present rebellion, that European opinion was in 1847 quite as unanimous against the practicability of maintaining or reconstructing the Swiss confederation as it is now on the point of the hopeless destruction of the American Union. Had the confederate authorities accepted this opinion and the "friendly mediation" then so generously offered, or been guided by the advice of foreign cabinets and statesmen, Switzerland would have ceased to be reckoned among the nations. She rejected them, crushed the rebellion by the arms of her loyal citizens, and saved her nationality.

That a similar history may be that of our own greater republic, hopes and prays your obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States of America.

Mr. Fogg to Mr. Seward.

No. 47.] UNITED STATES LEGATION,
Berne, September 4, 1863.

SIR: Your circular No. 39, dated August 12, setting forth succinctly and clearly the progress of our government in circumscribing and crushing the rebellion, is received, and has been perused by me with great interest and satisfaction. Were not the governments of France and Great Britain committed to a policy hostile to the American Union, and had not the Emperor and the leading statesmen of both governments *prophesied* and *proclaimed* the success of the rebels, I should have no doubt that the progress and present condition of the "belligerents," as exhibited by your circular, would convince them of the great mistake they made in the beginning, and of the duty of reconsidering and rescinding their action in the premises. As it is, and in view of the persistent aid and comfort accorded to the

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rebels in a thousand ways by almost all the wealthy classes of one nation and by the government itself of the other, I have little expectation that any array of facts, or any appeals to their sense of justice, will extort the reversal of an act which was deliberately resolved on in the interest of the rebellion, and perpetrated at a moment and under circumstances which the most generous charity cannot palliate into less than a national insult.

When we shall have literally and utterly crushed out the rebellion, (a consummation which I pray God may not be far off,) then, and not till then, may we expect those two governments to repent of the wrong they have committed towards a friendly nation, and make reparation for that wrong. But so long as their concession of "belligerent rights" to the rebels can serve the rebellion and give credit and hope of ultimate triumph to the so-called southern confederacy, just so long will a deaf ear be turned to our representations and appeals.

I do not deem it, however, "love's labor lost" to present to these powers, on every proper occasion, these exhibits of the progress made in putting down this gigantic rebellion. It is well to *write* history at the same moment that we are making it. Our nation's day of sitting in judgment will come, and it will not be to our disadvantage to have a record already made up.

Earnestly and cordially congratulating you on the now moral certainty of a successful and righteous termination of our great struggle, and ardently praying that our beloved country may emerge from its baptism of blood and fire purer, freer, and greater than was possible without that baptism, I am your friend and obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States of America.

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SWEDEN.

Mr. Seward to Mr. Haldeman.

No. 23.] DEPARTMENT OF STATE,
Washington, November 18, 1862.

SIR: Mr. Leas, late consul at Stockholm, writes on the 29th of October, from Hamburg, that some disloyal citizens of the United States had passed through that city, three days before, on their way to Denmark and Sweden, on some unknown political errand. Mr. Leas apprehends their object to be the purchase of cannon. You will be expected to set the American consuls on their guard, and to do whatever can lawfully and properly be done to discover and counteract their pernicious designs at Stockholm.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JACOB S. HALDEMAN, Esq., *&c., &c., &c., Stockholm.*

Mr. Seward to Mr. Haldeman.

No. 26.] DEPARTMENT OF STATE,
Washington, January 24, 1863.

SIR: You will probably have received, before this despatch shall reach your hands, the case of pistols designed as a present to his Swedish and Norwegian Majesty, which was lately sent to you through our legation at London. It is the President's wish that this token of his good will shall, on your return to Stockholm, be presented by you to his Majesty, in such a manner and with such accompanying remarks as you may deem most fitting to the occasion.

The pistols—which are of Colt's revolving pattern—are of the finest workmanship, and elaborately ornamented. They are likewise counterparts of those lately sent by the President to his Danish Majesty, and which have already been presented to him by Mr. Wood, our minister at Copenhagen.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JACOB S. HALDEMAN, Esq., *&c., &c., &c., Stockholm.*

Mr. Haldeman to Mr. Seward.

No. 28.] UNITED STATES LEGATION,
Stockholm, April 24, 1863.

SIR: I have just returned from a conference of more than an hour with the minister of foreign affairs, the first since my return to Stockholm. According to your instructions, I placed in his hand a copy of the "concurrent resolutions of the Congress of the United States concerning foreign intervention in the existing rebellion." Count Manderstrom then informed me that he was acquainted with the contents of the resolutions—had read them with great interest previously; that he had instructed Count Piper, their

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minister at Washington, some time ago, to inform my government that Sweden had no disposition, inclination, or intention to join France, or any other nation, in an offer of mediation unsolicited; that he considered the advice or proposal of the Emperor of France ill-timed and unnecessary. All Scandinavia, as you well know, sir, abominate the very word "intervention," as Denmark has been threatened for years with a "Federal Execution."

Count Manderstrom also referred to the prompt, kind, and honorable action of the government of the United States in the matter of the Norwegian bark Admiral P. Tordenskiold, in language that was most complimentary and flattering to hear.

I also submitted, as instructed in your despatch No. 25, the suggestions of the Postmaster General relating to the proposed conference of postal delegates, as contained in his second communication, dated December 27, 1862, and urged upon Count Manderstrom a prompt and favorable consideration of them. I expect and hope for a favorable reply at my next interview.

I also read to Count M. your despatch No. 26. He informed me that his Majesty, no doubt, would set an early day to receive the friendly gift of the President. He remarked that the King was quite an amateur of arms, his collection of ancient and modern weapons being large and excellent; he knew that the addition of the pistols, an American invention of such far-famed celebrity, would be highly prized for itself, independent even of their being a token of friendship from the President of the United States.

I do not think that any action is required on my part as to circular No. 22, "An act to secure homesteads to actual settlers on the public domain," as the provisions of that act, with proper explanations, have been made known in an able article, or pamphlet, the production of the United States consul, Mr. Olof E. Dreutzer, at Bergen, Norway, written and published in the Swedish, his native language, and also translated by him and published in the Dansk, the written language of Denmark and Norway.

I have also received circulars Nos. 27 and 28. The act of July 1, 1862, will be complied with by me most cheerfully.

The apprehensions of Mr. Consul Leas were groundless. I well know that disloyal citizens of the United States have been and are now in the city of Hamburg, but none have yet visited Stockholm. Should an effort be made to contract for ships or cannon, my arrangements are such that I would receive immediate information. It would be impossible that aught of this kind, without gross neglect on my part, could escape my knowledge, or fail to attract my attention. The cannon foundries of Sweden, while large and justly celebrated as the best in Europe, are few in number and well known; they are now, and have been for ten years past, engaged to their full capacity (after this government has received her annual supply) on contracts for the governments of *France*, *Belgium*, and *Italy;* besides, the Swedes do not expect large profits, neither will they take large risks.

There appears to be a general apprehension of a general war or revolution all over Europe. A large number of Poles are now in this city, and have been welcomed with great enthusiasm. The press is very violent, and urges that Sweden should take the *initiative;* that now is the time to rescue Finland from the Russian Bear; that Charles XII saved Poland from the grasp of Peter the Great, and now another and better occasion offered. It is said that the King secretly incited the press and the people; that he is ambitious for military glory, and longs for the opportunity to distinguish himself; that he has set up Charles XII for his model, whom he desires to imitate. One thing is certain, that the King has received the Poles with great consideration; and there appears to be a great difference of opinion between the King and his ministers, who favor a strict neutrality. You know, sir, that the press of Sweden is free, as free as that of the United States. A very able article appeared, on the 20th of this

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month, in one of the papers of this city, said to be the production of Count Manderstrom, minister of foreign affairs, in favor of strict neutrality. I think the surmise is correct. Count M. is justly distinguished for his great ability for diplomatic composition, as Lord John Russell found out some time since.

Prince Czartoryski is still here. The citizens of Stockholm gave him a great dinner. His journey through Sweden has been an ovation. He was received as the representative of the cause of Poland by King and people (except ministers) with the same wild enthusiasm as was displayed for Kossuth in America. This is noticeable from the fact that the feelings of the Swedish, while deep and strong, are not subject to sudden and variable passions or excitements.

Let all this be as it may, I feel justified in assuring you, sir, as Sweden was the first to welcome the United States of America into the family of nations, first to recognize our independence and nationality, Sweden will be the last to acknowledge its dissolution.

I have returned to my post with renewed health and vigor, with a much higher estimation of Sweden and Norway as a nation of power and importance than before. Again thanking the President, and you, sir, for your kindness, I remain your obedient servant,

J. S. HALDEMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, U. S. A.

Mr. Seward to Mr. Haldeman.

No. 28.] DEPARTMENT OF STATE,
Washington, May 16, 1863.

SIR: Your interesting despatch of the 24th of last month (No. 28) has been received. The President is gratified to learn that you found, on your recent return to Stockholm, after an absence of several months, the same friendly feeling and sympathy existing on the part of his Majesty's government towards the United States that have been constantly manifested throughout the period of our painful and protracted struggle for the maintenance of the national authority. The sentiments of Count Manderstrom, as expressed in your interview with him, are such as might have been expected from a statesman of his well known clear perceptions and solid judgment.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JACOB S. HALDEMAN, Esq., *&c., &c., &c., Stockholm.*

Mr. Haldeman to Mr. Seward.

No. 31.] UNITED STATES LEGATION,
Stockholm, June 20, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch (No. 28) of May 15, also circular (No. 26) of May 9.

Incidentally referring to the subject-matter of the proclamation in my last interview with Count Manderstrom, he said that his government could take no exception to it. Count Piper had applied for instruction, and was advised by his government that all Swedes or Norwegians "who had declared on oath their intention to become citizens of the United States, under the laws thereof,"

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had forfeited all claim to protection from the laws of their native country, and were aliens. By the laws of Sweden a subject who had taken oath of allegiance to a foreign power, or potentate, on return to Sweden cannot resume his citizenship, except by special patent from the King, based on application, narrating all the facts, with oath of allegiance.

The Ward Jackson, the vessel that was driven into the harbor of Malmo by a Russian cruiser, with the Polish insurgents, has been delivered up by this government to the claimants, Joseph Spence, William S. Leug, and Alex. Kyd Curtis, on the allegation that the steamer was chartered by them for what they considered and believed was a legitimate voyage. The English government took no part through their embassy, and in no way assisted the claimants. I have no doubt the government of Sweden were controlled in their decision partly in deference to public opinion, but more in a spirit of bravado, the expression of hereditary hate: "we fear not Russia—care not for her good will." It is said that if the arms are claimed by a proper owner, they also will be restored. The Russian minister informed me that Count Manderstrom intimated as much to him.

On the 5th of this month the insurgent Poles, about 100 in number, commanded by Colonel Lapinski, left Malmo, Sweden, in a small vessel, the Fulton, (provided by government,) for Copenhagen, there changed to an English schooner, bound ostensibly for England; near the island of Gothland, on the east coast of Sweden, changed to a Danish vessel, and at Polengen, 25 miles from Memel, on the coast of Ruthenia, attempted a landing. Twenty-four were drowned; the rest driven back to the vessel. The above arrived by *telegram* yesterday. Ruthenia, now the province of Korno, was part of the ancient Polish monarchy before the first partition of 1772, 1773.

Of course, this may subject the government of Sweden to severe comment; having harbored the insurgents for months, they were then examined so carelessly as to depart from Malmo with arms. But, as the Poles have the sympathy of most of Europe, except Prussia, who, after Russia, is considered the greatest enemy of Scandinavia, at least of Sweden, the nation and government are indifferent. To me it seems that a numerically small power ought to be most rigid and tenacious in the strict observance of international law, especially when bounded by powerful, and, as they believe, aggressive neighbors.

I remain your obedient servant,

J. S. HALDEMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, U. S. A.

Mr. Seward to Mr. Haldeman.

[Extract.]

No. 29.] DEPARTMENT OF STATE,
Washington, June 22, 1863.

SIR: I have the honor to acknowledge the receipt of your despatches Nos. 29 and 30, of the 21st and 28th of May.

Your remarks to his Majesty on the occasion of the presentation of the gift of the President were just and patriotic, and are approved. While the President fully reciprocates the liberal and friendly sentiments of his Majesty, I am sure that he shares, at the same time, his desire for a speedy and happy conclusion of our desolating civil war. * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JACOB S. HALDEMAN, Esq., &c., &c., &c., *Stockholm.*

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Mr. Seward to Mr. Haldeman.

No 30.] DEPARTMENT OF STATE,
Washington, June 26, 1863.

SIR: I enclose herewith a transcript of a despatch, dated the 22d ultimo, from Mr. Tefft, our consul at Stockholm, relative to a visit to that city of Mr. Joseph Spence, of the firm of Pile, Spence & Co., ship-builders, of England, with the object, it is surmised, of procuring in Sweden armaments for vessels built in England for the confederate service.

The President confidently relies upon your well-known vigilance and activity, as well as upon the friendly disposition of the Swedish government, to prevent the carrying into effect of any such designs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JACOB S. HALDEMAN, Esq., *&c., &c., &c., Stockholm.*

Mr. Haldeman to Mr. Seward.

[Extract.]

UNITED STATES LEGATION,
Stockholm, August 9, 1863.

SIR: I have the honor to acknowledge the receipt of despatches Nos. 29 and 30, of the 22d and 26th of June, also circular of July 6, with the glad information of the defeat of the insurgents near Gettysburg, and their retreat towards the Potomac the night of July 4. As a citizen of southern Pennsylvania (the valley of the Cumberland, in which my farms are situated) this news of victory by our valiant army was especially cheering to myself and family; but, when taking into consideration its national effect, was like sunshine after a night of darkness, as welcome as spring after a northern winter.

In my last interview with his excellency Count Manderstrom, minister of state, he read me an extract from a despatch of Count Piper, Swedish minister in Washington, in which he informed Count Manderstrom that the Secretary of State for the United States had read to him an extract from the despatch of B. F. Tefft, United States consul at Stockholm, in which he apprehended that Mr. Joseph Spence was in Stockholm to procure armament for vessels built in England for the confederate service. Count M. thought it was not likely that Mr. Spence or confederate agents would come so far north with such purpose; that the immediate object of Mr. Spence's visit was in relation to the Ward Jackson, of which I have advised the department. During the conversation Count Manderstrom admitted that there was free trade in arms in Sweden; that the great private cannon founderies of Sweden were established with a view to supply the foreign more than the home demand; in fact, they looked beyond the tideless Baltic for their orders and best customers. Our frank and most satisfactory conference ended by Count Manderstrom assuring me that while he had great doubts of the existence of the danger apprehended, the Swedish government would prevent the carrying into effect any such design, and would act and take proper measures on information or sufficient suspicion.

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I remain your obedient servant,

J. S. HALDEMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c., Washington.

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TUNIS.

Mr. Perry to Mr. Seward.

[Extracts.]

UNITED STATES CONSULATE,
Tunis, February 21, 1863.

SIR: * * * * * * * * * * * *

I am happy to report that our relations with the Tunisian government are cordial and satisfactory. A decided interest is manifested here to gain information about American affairs, and I have taken special pains to answer inquiries and gratify curiosity. Up to this time, it is believed no member of the Tunisian government has ever visited the New World. Recently, however, two of the ablest and most enlightened ministers of the Bey, viz., the heads of the judicial and naval departments, announced to me their intention to visit America within a year from this time. I believe their object to be improvement, and that a steamship of the Bey is to be at their disposal. I encourage their interest and promise them every facility in my power for an agreeable and profitable tour of observation. In America these gentlemen expect to find an advanced state of the mechanical arts. They have heard of our steamships, and they wish to purchase two of them for his Highness the Bey. They have models of the Monitor and the Merrimack, but they desire to see some of the veritable vessels that have struck terror into the nations of Europe. They have seen France, England, and Germany, but America has for them a greater interest than any of these countries. Belonging to a part of the world where once existed one of the most powerful nations of antiquity, they desire to see that part of the New World where now exists the nation most remarkable in modern times for its rapid growth and sudden attainment of material prosperity and greatness. They will study our institutions, visit our manufactories, observe our implements and modes of agriculture, but our fire-arms and enginery of war by land and sea will most attract their attention. An incident will best illustrate Moorish taste in this regard. When presented recently with the portrait of the King of Sweden, the Bey, after attentively examining the picture and expressing gratification, said aside to a friend, "*but I should like to see his strength*," meaning *fire-arms*, which being his delight, he had hoped to receive from the King.

Other nations are much less known and felt at Tunis. Various counter influences serve to embarrass the Tunisian government and prevent progress which might otherwise be made. Having no right or power to impose a tax on foreign subjects, the authorities are unable to promote internal improvements. The consequence is bad and dirty streets and general neglect. A movement is now, however, in progress giving to the Bey the power to tax all residents, which, it is hoped, will result in the good of all. The agent of an English company, that desires to try the experiment of cotton-growing, proposes to offer some inducement to bring here some of our *contraband* cotton-growers. I am seeking information which may hereafter lead to some action.

* * * * * * * *

I am, sir, with great respect, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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Mr. Perry to Mr. Seward.

[Extract.]

UNITED STATES CONSULATE,
Tunis, May 2, 1863.

SIR: * * * * * * * * * *

Our war causes our country to be much known, and its commercial importance to be fully realized in Barbary. To our rebellion is attributed not only the high price of cotton, but almost every ill to which human flesh is heir. Two ministers of the Bey recently expressed the hope that our war would soon cease, but not till the triumph of liberty. An Arabic journal, printed here under government auspices, gives a weekly summary of American news, selected from the liberal journals of France, and this week's issue has your excellency's letter accompanying the homestead bill.

I have the honor to be, with great respect, your obedient servant,

AMOS PERRY,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

[Extract.]

No. 11.] UNITED STATES CONSULATE,
Tunis, April 10, 1863.

SIR: I have the honor to acknowledge the receipt of the circular of March 9, 1863, together with concurrent resolutions concerning foreign intervention in our existing rebellion. The resolutions were communicated in accordance with instructions, and were received with expressions of a friendly interest, and with an apparent appreciation of the justice and pertinence of the sentiments and principles therein set forth. Indeed, remarks were made showing that the Tunisian authorities are not at their ease in regard to their position. While they prize the good will of their nearest and most powerful neighbor, they are, like our Congress, averse to officious intermeddling with their affairs, however friendly may be the pretext, or honeyed the expressions of good will; and, apparently to counteract such a course of action on the part of one government, they are courting friendly and intimate relations with other governments far and near. And hence the significance of the decorations and presents which I have reported, and to whose number I have now to add grand decorations from the Kings of Prussia and Italy for the Bey and his first ministers, sent by men-of-war, and received and reciprocated in Oriental style.

The chiefs of this government appear to be men of discrimination and foresight, though the wisdom of their policy is not beyond question. Having little confidence in the power of the Turkish Sultan to protect them in their rights as his subjects, they are seeking, with the view of greater security, recognition as an independent neutral power, like that, for example, of Belgium. Unofficially, they speak freely of their fears, hopes, and ambition. With neighbors crowding on their territory from the line of Algeria, perhaps occasionally assuming dictatorial airs at the capital, and ready to wink at, if not foment, difficulties, in order to have a chance to arrange them in their own way, the Tunisians have little encouragement to develop their resources. Their precarious situation is

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assigned as one reason why their soil remains uncultivated, their mines unopened, and their harbors unimproved. "Let us be free from the danger of foreign interference, and we should be more inclined to engage in the work of internal improvements. Let foreigners residing here, and having the benefit of our country, pay taxes like ourselves, at least for the support of streets and highways." Such sentiments occasionally find utterance, and their justice cannot be utterly denied, though I believe the backwardness of the country to be attributable more to the inherent character of the people and to causes explained in their history.

Not long since, one of the counsellors of the Bey, alluding to dangers, put a question thus: "Could America be depended upon for support in case of trouble?" My reply was, though America seeks to avoid taking an active part in European diplomacy, her moral support could be depended upon on the side of justice and right, and especially would she discountenance any violation of international law.

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I am, sir, with great respect, your obedient servant,

AMOS PERRY,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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GREAT BRITAIN.

Mr. Adams to Mr. Seward.

No. 511.] LEGATION OF THE UNITED STATES,
London, October 8, 1863.

SIR: Under the instruction contained in your despatch (No. 692) of the 2d of September, I addressed a note of the 22d of the same month to Lord Russell respecting the good offices of Mr. Partridge in regard to the interests of British subjects in Salvador. A copy of that note, as well as Lord Russell's reply, is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 22, 1863.

MY LORD: I have to enclose a copy of a portion of a despatch addressed to the Secretary of State of the United States by James R. Partridge, esq., minister resident to Salvador, with the accompanying papers. It gives me pleasure to add that the course taken by Mr. Partridge has been approved by my government.

I pray your lordship to accept, &c., &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 2, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d ultimo, and its enclosures, relative to the good offices rendered to British subjects by the United States minister resident at Salvador, and I have to request that you will be good enough to convey to the government of the United States the thanks of her Majesty's government for the friendly interposition of the American minister on the occasion in question.

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I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 512.] LEGATION OF THE UNITED STATES,
London, October 8, 1863.

SIR: A copy of Lord Russell's acknowledgment, dated the 2d instant, of my note to him of the 29th ultimo, transmitted with my despatch (No. 505) of the 1st instant, is now forwarded.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 2, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th ultimo, enclosing copies of communications which have been made to you by the consul of the United States at Cape Town, relative to the proceedings at that place of the steam vessel Alabama, and I beg to inform you that the matter has already been brought to the notice of her Majesty's government, and is now under consideration.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 513.] LEGATION OF THE UNITED STATES,
London, October 8, 1863.

SIR: I have the honor to transmit a memorial addressed to the President by 274 inhabitants of the city of Hereford; and also a resolution passed at a public meeting held at Hartlepool, in Durham, on the 2d instant.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Martin to Mr. Adams.

HARTLEPOOL, *October* 3, 1863.

HONORABLE SIR: In forwarding to you the accompanying resolution, I may just take the opportunity to state my belief that there does not exist in the minds of the masses of my fellow-countrymen those pro-southern proclivities which American citizens, with much ill

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blood, give us credit for. Wherever there are bad men, there we shall find bad things of all kinds, pro-slavery among the rest. We have such in this country, of course, but, really, all the world must allow that they bear a very small proportion to the whole population.

The receipt of this will oblige, yours, obediently,

J. MARTIN.

P. S.—You are at liberty to make what use you think proper of this communication.

Hartlepool resolutions.

Copy of resolutions unanimously adopted at a public meeting held at Hartlepool, in the county of Durham, on Friday evening, October 2, the Rev. Joseph Martin in the chair:

"That this meeting, having listened to statements made by the Rev. Joseph Martin and Mr. James Watkins, (a fugitive slave,) on the subject of American slavery, judges that the time is now come when it is necessary to reaffirm the sentiment of opposition to it in all its forms, and which, for so many years past, has distinguished the feelings and opinions of the British people; and, further, whilst deploring the civil war now raging in the United States of America, expresses its approval of, and confidence in, that course of action, against the institution of slavery, which the government of the States aforesaid has found it prudent to employ during the last two years.

"That a copy of this resolution be sent to the Hon. Charles Francis Adams, ambassador of the United States government to the British court.

"JOSEPH MARTIN, *Chairman.*"

Mr. Adams to Mr. Seward.

No. 516.] LEGATION OF THE UNITED STATES,
London, October 9, 1863.

SIR: Referring to my No. 504, of the 1st instant, I have the honor to forward herewith a copy of a note from Lord Russell, under date of the 5th of October, acknowledging the reception of my letter to him of the 29th ultimo.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *October* 5, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th of September, in answer to mine of the 25th of that month, and I am very glad to find that I had misunderstood you, and that the passages in your correspondence which had led to my observations were merely intended by you to express your confidence that the sense of right, on the part of her Majesty's government, would avail to gain for the United States exactly the same measure of justice which it would expect from the United States in return, were the respective situations reversed.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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Mr. Adams to Mr. Seward.

No. 518.] LEGATION OF THE UNITED STATES,
London, October 16, 1863.

SIR: Upon the reception of your No. 725, of the 28th of September, I addressed a note to Lord Russell in the sense of that despatch. A copy is herewith transmitted.

The government has within the past week adopted measures of a much more positive character than heretofore to stop the steam-rams. Of the reasons for this I have not been officially apprised. My conjecture is, that they had cause to suspect attempts would be made to get at least one of them out by stealth. Having myself received secret information of this nature in connexion with the transmission of a considerable portion of the crew of the Oreto, or Florida, from Brest to Liverpool, I took the opportunity to warn Lord Russell of the probability of such attempts on the 24th of last month in a note, a copy of which, as well as the enclosure, is herewith transmitted. His lordship replied on the 30th; a copy of his note is likewise appended.

The energetic action of the government, after effecting the legal seizure of the rams, in first placing their own vessels in a position to command the outlet for both, and latterly in making fast to that which is ready to start, has produced an excellent effect in inspiring confidence in the prosecution of their declared policy. Nothing short of this would have sufficed to convince the reckless set of conspirators at Liverpool that they were in earnest.

The next step which I anticipate will be an offer to sell the vessels to the Danes. If they ask a reasonable price I have reason to believe that such a transfer might be expected. But I understand there are schemes afloat of an enterprise to seize them in transitu, if not strongly convoyed, the parties making an offer of a suitable indemnity in case of success. You may readily conceive of the desperation to which they are driven when they cherish the notion of such projects in the face of civilized Europe. The violent and lawless nature formed and developed in the hot-bed of slave institutions is making itself more and more distinctly perceptible on this side of the Atlantic. That it should have been permitted to have play on the ocean until now can only be accounted for by the strong predisposition to be blind as long as possible to every proof of it.

I trust that from this time we may expect a better state of things on this subject. At the same time that I write this I am not unaware that other vessels are preparing at Glasgow, quite as formidable as those at Liverpool, against which we have not yet even so much evidence as we presented in their case. I am, however, preparing to make a representation against them.

The case of the Alexandra will probably come up on appeal to the exchequer chamber in the course of a few weeks. I should be glad to know the wishes of the government in regard to any action to be had on this side, should they not conclude to employ the supervision of Mr. Evarts once more.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 12, 1863.

MY LORD: I take great pleasure in performing the duty imposed on me by my government of expressing its satisfaction with the intelligence which I had

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the honor of communicating to it by the transmission of your lordship's note to me of the 8th of September. The President, not insensible of the difficulties in the way of the decision to which her Majesty's government in that note signified it had arrived, is gratified in being able to regard it in the light of a sincere desire, on just principles, to maintain its friendly relations with the United States. I am, therefore, instructed to inform your lordship that the government will hereafter hold itself obliged, with even more care than heretofore, to endeavor to conduct its intercourse with Great Britain, as that the war in which it is now unhappily involved may, whenever it may terminate, leave to neither nation any permanent cause of discontent.

I pray your lordship to accept, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 24, 1863.

MY LORD: I am credibly informed that seventy or more of the men belonging to the insurgent vessel the Florida, formerly the Oreto, nearly all of them British subjects, have been sent over from Brest, and are now in Liverpool. They were provided with a letter to the person acting on behalf of the insurgents at Liverpool, a copy of which is herewith transmitted. I need not point to your lordship the fact that the last sentence implies habitual action, in direct violation of the law of the realm; such, indeed, as, if committed by any agent of the United States, would be likely to attract the immediate notice of her Majesty's government. It corroborates all the evidence heretofore presented by me on the same subject. I have further reason to believe that under this sentence is intended a transfer of many of these men to one of the iron-clad war vessels now in preparation at Liverpool, with the intent to carry on war against the United States. It is known to me that the intention to despatch that vessel is not yet abandoned by the parties concerned in the enterprise.

I pray your lordship to accept, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

[Enclosed copy.]

CONFEDERATE STATES STEAMER FLORIDA,
Brest, September 3, 1863.

SIR: Herewith I send you a list of men discharged from the Florida, with their accounts and discharges. Many of them have asked for transfers, and others for reference to you, or to a confederate agent. I would request you to provide them situations in the service.

I have the honor to be, sir, very respectfully, your obedient servant,

J. N. MAFFITT,
Commander, Confederate States Navy.

Captain J. D. BULLOCH,
Confederate States Navy, Liverpool.

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Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 30, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant, calling my attention to the arrival at Liverpool of a large party of men belonging to the confederate steamer Florida; and I have to acquaint you that I lost no time in communicating to the secretary of state for the home department copies of your letter and of its enclosure.

I have to add, however, that the attention of her Majesty's government had been, some days previously to the receipt of your letter, attracted, by paragraphs in the public papers, to the arrival of these men, and that inquiries were at once set on foot, and that the course which can be taken in regard to them is under the serious consideration of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 519.] LEGATION OF THE UNITED STATES,
London, October 16, 1863.

SIR: The only events of the week have been the assembling of the first cabinet council of the season, which took place on Tuesday last, and the death of Lord Lyndhurst.

Of the immediate occasion of the call, beyond the ordinary arrangement of the prorogation of Parliament, I have been able to learn little. It is, however, sufficiently apparent that the state of things all over Europe presents questions of intricacy which demand attention, independently of those which grow out of our troubles in America.

* * * * * * * * *

The death of Lord Lyndhurst removes a shrewd and weighty counsellor from the ranks of the conservative opposition. Though for some time physically disabled from action in politics, his clear and restless mind has retained its vigor, and freely communicated its conclusions to those who sought assistance from him. In regard to America, his judgment and his feelings combined to recommend a passive policy to his friends. I have had the pleasure of several conversations with him since I have been here, in all of which, if he did not take what appeared to be absolutely correct views, he at least abstained from adopting the prevailing errors of his associates.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 521.] LEGATION OF THE UNITED STATES,
London, October 16, 1863.

SIR: I have the honor to forward herewith a copy of the Morning Post, of this day, containing a report of the speech made yesterday by Sir Roundell

Palmer, the new attorney general, to his constituents, at Richmond, in Yorkshire.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[*From the Morning Post, (London,) October* 16, 1863.]

SIR ROUNDELL PALMER AT RICHMOND.

Sir Roundell Palmer arrived in Richmond (Yorkshire) on Tuesday morning last, and on Wednesday evening addressed the electors in the Town Hall. During his stay in Richmond the honorable gentleman was the guest of Mr. Leo. Cooke, Terrace House, ex-mayor of the borough. There was a large attendance at the meeting, which included several ladies.

After being introduced to the meetifig by Mr. Leo. Cooke—

Sir Roundell Palmer, after some introductory remarks, referring to his position with his constituents, said that as the office he had accepted and held in her Majesty's government was a subordinate one, he had not to determine what measures should be taken by her Majesty's government in public matters, and if he were interested with matters to that extent it would be inconsistent in him to make known to them the intentions of her Majesty's government before the government themselves were prepared to divulge them. They must not, therefore, expect him to enter into those long discussions connected with politics which were open to gentlemen in office, but not to gentlemen who served the public in the capacity that he did; but he thought it best to advert to what might have passed since he had last the honor to appear before them; and then, if they approved of the conduct of the government to which he had the honor to belong, they would then be enabled to judge, if they could look forward with the same degree of confidence to his conduct in the future. The two years which had passed since he last stood there had been fraught with serious misfortune and great trial to the country. He would mention two particular subjects in connexion with that period, and he did it rather because both of them had been occasions of great trial and great suffering, and yet each of them had been attended with compensating blessings and benefits to the country, which enabled us to look back with confidence to the past and with hope to the future. (Applause.) In the first place, there was the great affliction which fell upon her Majesty the Queen and the whole country, in the removal from amongst us of that most able and excellent prince who shared her Majesty's counsels, at the same time he was the centre of all her domestic affections. This loss, indeed, was a national misfortune which none except those who were near the throne could in any adequate degree estimate; but even in that misfortune we were not without a corresponding mitigation, if not benefit. Under the providence of God it had had this effect: it had brought out in a manner not only consolatory to the heart of the Queen, but which, he thought, must produce a permanent and good effect in cementing together sovereign and people, and binding closer than before the bonds of that loyalty by which we have been distinguished as a nation, for it brought out the highest, fullest, and deepest exhibition, which could under any circumstances have been afforded, of intense personal sympathy between the people and the crown. (Applause.) This circumstance had shown that if anything should happen under the constitution in which we lived which should try the strength of the nation, there would be a bond of union between the people and the Queen. (Applause.) The other circumstance to which he had alluded was that of one of the most remarkably calamitous events which had ever occurred in the history of any nation, viz., the loss which had been sustained by our industrial population through the war in America. It had been a calamity which, if we had seen the worst of it, we had not yet seen the end of it. The loss to the cotton industry had, however, been attended by corresponding mitigations, and benefits, and blessings. He would put first and foremost the noble part which had been acted by the people who had been the immediate sufferers under that calamity. (Applause.) He thought that the artisans and the manufacturing population of the cotton trade had exhibited a noble bearing in the midst of their inevitable calamities, and had exhibited a bearing which would have been most noble in people of the highest degree in the land. (Applause.) When they considered how poor, how deficient in all the advantages of education, and many other things, the great masses of the people of this country, who had been suffering, were, their conduct was a spectacle of which for all time the people of England would be proud. But the benefit did not stop there. Their sufferings and distress were such as to demand loudly the sympathy of their countrymen throughout the United Kingdom. That sympathy and support had here and everywhere been afforded by a liberal

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hand; and as the other calamity tended to bind together the hearts of the Queen and the people, so the effect of this calamity had been to bind together the hearts of all classes of the people. Though sometimes men—actuated by zeal which, perhaps, they considered right—had uttered words in public which had tended to set class against class, yet such an event as that was an answer to all those words, and it showed that there was no such division of classes in this kingdom as should prevent any other class making such calamities their own, and making every amount of sacrifice to mitigate those calamities. That was a benefit, and not a slight one, which had been derived under the pressure of this distress. (Applause.) We had also had a period which had applied a severe test on trade, on our national resources, and our financial prospects. It might have been expected that, under this pressure, they would have given way. But that they had not done so certainly showed that, under all circumstances, if one great branch of our trade had greatly suffered, other branches of our trade had flourished; and on the whole, it may be said that the prosperity of our country, under these most trying circumstances, had not declined. Our revenue had so flourished that even in the third year of the American war, under this great depression of the cotton trade, and after considerable dealings with the revenue, from which some people expected a great deal of evil, a material reduction of the income tax had been effected, and, in addition, the duty had been taken off tea, without, at the same time, any diminution of the means of maintaining the efficiency of our manufactures, and for providing for all our other national wants, and this without putting ourselves into a situation in which we should fear to encounter any exigency which should suddenly come upon us. (Applause.) There was matter for congratulation in all this, and they might be brought more legitimately to consider that in connexion with the responsibility of government different times had different exigencies and different demands. There were times of comparative quiet, and those were periods exceedingly favorable for progress and improvement at home. There were other times when gross abuses demanded a great effort for their reform. These were times when the main duty of those who were intrusted with the government of the country was to keep the foreign relations of the country in perfect consistency with its safety, its interest, and its honor; and at the same time to maintain in efficiency the public resources and public revenue. Now, he would venture to say here that the country at large considers these last objects as of great importance, and they particularly required at this time constant attention on the part of the government. We lived in a time when there was great difficulty and perplexity abroad, but happily, indeed, peace at home. When any degree of carelessness at the foreign office might at any moment plunge the country into war—a war with regard to which it was difficult to see its limits—any careless dealing with the revenue at such a time might expose the country to such disadvantages as to make it next to impossible to meet an emergency with honor and credit. Now, he appealed to them, to ask them for their verdict, whether the government which now administered the affairs of the country had not done their duty in those two great departments? He would now make a few observations on the subject of the finances, because that was the vital point on which those who opposed her Majesty's government in the House of Commons had thought it right to attack the government, and insinuate all manner of coming evil from Mr. Gladstone's dealings with the revenue. When the French treaty was concluded, and the paper duties were taken off, they would remember the gloomy prospects with respect to the revenue which those prophets of evil brought before Parliament. He thought he might ask them in confidence whether events had not falsified those predictions. He would put it to them whether the event did not justify him in asking them to believe whether Mr. Gladstone, in following out with a bold hand the course of free trade, in which a good example had been set him by others, had not been consulting the best interests of the country, both with regard to the condition of the revenue and the interests of the people? Should he have been able to point to the elasticity and surplus of the revenue, if it had not been for the policy which had been practiced, and the fetters which were laid upon the large branches of trade had not been struck off as boldly as they were, and the vacuum left by the deficiency in the cotton trade had not been filled up satisfactorily with the increase of other branches of our commerce from France and other countries? (Applause.) He thought they would all look with some degree of satisfaction on the revenue of the country. He would now go to the other point which he had mentioned, viz., foreign affairs, and here he thought that both the government and people might without shame examine the attitude which this country had maintained during the progress of that unhappy contest in America. (Hear, hear.) Now, it would not be at all proper for him, even if he were so inclined, to enter into an explanation of the question of right or wrong between the two parties in America. It would not be proper for him, in the position he held, to express any feelings of partiality on one side or the other, nor even in public to let any private sentiments which he might entertain on that subject be known. But in this case, as in all similar cases, the policy of this country had been strictly and honorably one of non-interference. (Applause.) It had been our duty and interest—it

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was, he believed, the permanent interest of our whole people—not only that this or that branch of trade might possibly profit by a public calamity; for in our view the American war was a public calamity—a misfortune to America, to us, and the whole world—one which we deeply deplored—and one, indeed, the end of which we should be most thankful to see—(applause)—but by every principle which concerned the independence and liberty of nations, we were bound not in any way to interfere between the one party or the other in that contest. (Hear, hear.) If we interfered with their national affairs, of course they would have an equal right to interfere with ours; and so, all the world over, any despot who wishes might trample down liberty on the one hand, and those who love anarchy and disorder might interfere on the other. It was the interest of all the world, and more especially of a free people like ours—a people propagating the principles of freedom throughout the world—it was our interest to say that while we regretted and deeply deplored the war, we would not interfere, but would say to them, "You are proper judges of your own affairs—you are the arbiters of your own destiny." And if there be a party dissatisfied with that government and claiming an independence, it is for that party to work out an independence for themselves, and other nations have no right to interfere for or against them. (Applause.) Now, if we had fully maintained that attitude as a people and a nation represented by our government, we may very safely disregard any suggestion we have heard on one side or the other, that, because we have shown our sympathies, unfriendly feelings will arise between the two nations. Now, he believed that there was no unfriendly feeling in England towards America; and it was his belief that whatever might be written in newspapers, or uttered in the heat and excitement of public speeches, there was not that unfriendly feeling towards this country on the other side of the Atlantic which some seemed to think. (Hear.) Let us discredit rash words lightly written and lightly spoken, and look at great facts—those facts which tell upon the history and interests of both countries, and those facts which all may appeal to when brought into contact individually with the citizens of either country. (Applause.) Look at the facts relating to the history of the two countries. Are we not, after all, one and the same people? Are we not brothers? Is not their blood our blood? May we not claim and point with pride to everything great or noble amongst them as belonging to us from whom they sprang? May they not point, and do they not point, to everything great in our history and literature at the present day and say, "We have also a share in this?" (Loud applause.) Do ever any of you meet an American in society, and not see that this feeling is one of deeds, not of words? When a real practical test is applied, that feeling, under proper management, on both sides, if the government do their duty, will be the prevailing feeling, and that friendship which the mutual interests of both countries dictated, which the common ties of both countries dictated, would continue; and there was nothing in the world which can gain on either side by that kind of fratricidal war which must inevitably come to pass if two countries were causelessly to quarrel with each other. (Hear) He might perhaps be permitted to say a very few words in vindication, not of the government merely, but of the people of England, in respect to some complaints made of them on the other side of the water concerning their conduct and attitude in the course of this war.

Now, there was no doubt that we are a free-spoken people—that, although the government were bound to practice the strictest neutrality—that, although on his part he did not consider it expedient to give utterance in public to any private feeling he might entertain as to the merits of this great American war, yet no obligation rests on the individual members of the great body of the nation. Everybody was free to think, and was accustomed to speak as he thinks, and no offence should be taken by a free country elsewhere if our opinions as a nation were freely canvassed. Non-interference America had a right to require from us, and they had a right likewise to expect submission from us to all the rules and laws which nations have established to regulate the intercourse between each other during war; but to require more, to require a universal sympathy with the northern view, why, that was a most unreasonable thing, and it would not bear examination for a single moment. In truth, the opinion of this country was very much divided on the subject. A great number of people, perhaps in the upper classes more especially, have sympathies with the south. A great many other people—amongst the great manufacturing centres we may suppose—amongst the masses of the population—if they do not sympathise with, at all events had no feelings against, the south, and have most unquestionably shown by their conduct that they would resist and disapprove any interference of this country in throwing our power into the scale of the south or north, even though the object of our so doing were to mitigate their distresses and to bring supplies of cotton for their mills. If a fair balance was struck, it would puzzle any one to say on which side our sympathies lie. There was an amount of impartiality taken as a whole; but whether there were or not, so long as the government did their duty to the people as a nation, it was really no matter what feelings and sympathies private persons may express or entertain. He would venture further to say he did not think there was any justice in the

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notion, if it were entertained on the other side of the water, that all in this country who sympathize with the south were therefore unfriendly with the north. He rather felt that those who sympathize with the south do so for reasons which, be they good or bad, were perfectly consistent with the most friendly feelings towards the north; and whether right or wrong, he was quite satisfied that those who sympathize with the south have as great a detestation of slavery as the strongest advocates of the north have. (Cheers.) The feelings of many persons are such, and they ought really to be understood and have justice done to them in America as well as here. In the first place, we did not forget our own war with the United States themselves when they were achieving their independence. They were our colonies; we thought the greatness of our nation, the glory of our empire, was at stake, and that if we lost those colonies we should dwindle into an insignificant people. We therefore expended much treasure and much blood in an endeavor, prolonged through many years, to subdue those colonies and force them into subjection. All this failed; they achieved their independence, and we have been a greater nation ever since, and derived no small amount of benefit from the greatness which they raised on their own bottom. Many people drew a kind of general conclusion from that—that when any dependency or state, associated with another state, was desirous of independence, and was ripe for independence in this sense—that it could maintain itself in independence—why, then, it was better to part good friends than endeavor by force of arms to subdue and keep it in subjection. That may be a sound or unsound view, but he had no doubt it entered very largely into the feelings of many parties; and he was quite sure that those who were influenced by this view, whether right or wrong, do not on that account show any ill feeling or want of friendliness towards the United States or the northern portion of them. There was another thing: We had seen this war continuing now for three years. We had had our share of suffering, every person was ready to admit, but it was as nothing compared with the suffering endured in America, where we found them pouring out blood and treasure, the north sending armies into the field such as had never been heard of in European warfare, great battles being fought often and with apparently little result but that of enormous loss of life, both parties draining out the blood of their children—which was the greatest loss any country can sustain—(hear, hear)—and at the same time an enormous amount of money being spent, and an enormous debt being accumulated, which would be necessarily followed by enormous taxation, or else by dishonor arising from a process of repudiation. That was not all; for if it continued, the preservation of practical liberty, even on the northern side of the dividing line, would be difficult to maintain; and if the north succeed in conquering the south, the question naturally arose "how are they to manage them afterwards?" These were questions which suggested themselves to the well-wishers of the north as well as of the south; and if they led many such minds to think, "All this is being done with little hope in the end of a satisfactory or successful issue, but leading to an enormous cost of life and money," would it not be much better for it to come to an end—the end being, naturally, under the circumstances, an amicable separation—a separation that should bring with it a cessation of war between the two parties? (Hear, hear.) The Americans may have an answer to that. They may say, "We think the greatness of our country is at stake; other calamities would be sure to come upon us if we do not maintain the Union," and they may, after all, be the best judges of their own situation. But all he wished to say to them was, "Don't judge harshly of our people; whether right or wrong in their views, they are not unfriendly to you; they are not hostile to America; they wish to be on the most friendly terms with you, and their advice to you springs from the holiest of motives—to see you saved from the most dreadful of all calamities indefinitely prolonged." Yet at the same time nobody could help feeling with great men who maintain a gallant contest against great odds; and, therefore, the sympathy which all people fighting for their independence, whether wisely or not, invariably meet with—of course a great deal of that must be given to the south. (Cheers.)

Even the worst enemies of the south could not deny that they had conducted this contest with most remarkable courage and indomitable perseverance, and no wise American ought to blame those in this country who gave utterance to that opinion. He wished to vindicate our own countrymen, and make as far as he could the purity of their motives, whether right or wrong, understood. He was sure that the hatred of slavery was as strong and general in this country as ever it was. (Applause.) If in this contest it should appear upon the surface that many people had not refused their sympathy to that side which openly upheld slavery, he was sure that when the south had achieved their independence—if they should succeed in doing so—our feelings, sympathies, and affinities as a nation must necessarily be with the north, for the obvious reason that England could not possibly be with the States that maintained slavery, but with the free. (Cheers.) There was no inconsistency in this, for the true interests of liberty would not suffer if the south were to achieve their independence. Hitherto an unavoidable condition with the

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free States was that they were obliged to tolerate slavery in the slave States, and to a great extent adapt their own laws to the maintenance of slavery. But now the frontier of the land of freedom would be advanced. Whereas now the fugitive slave became a free man as soon as he crosses the river St. Lawrence and puts his foot on Canadian soil, he would hereafter be in the same situation as soon as he crossed the boundary line between the northern and southern States. Although he did not say it was a sound and right judgment that the interests of liberty would be promoted by such a separation, yet he protested against the judgment that all those who feel that the interests of liberty would not suffer by that separation were indifferent to the horrors of slavery. (Hear) He must add one caution—that in stating to them the views he had done, he was not expressing any opinions of his own; in point of fact they differed with many of the opinions he privately entertained. He was led to express them on behalf of his countrymen, in perfect good feeling towards all parties of people in America, without the slightest hostility to the north, or the slightest unfairness to the great cause of freedom as against the cause of liberty and slavery.

Now he came to the part which our government had taken in the matter. Our government had felt itself bound, in the first place, to recognize facts, and, in the second place, to do nothing to advance them. We heard a great many people say, "The government have recognized the south as belligerents"—that is, as States carrying on lawful war—"why not go and recognize their independence?" Now, he said, those who asked such a question were totally ignorant of the principle on which the government did recognize the south as belligerents, and at the same time ignore their independence. There was no doubt that the southern States were States exercising government for themselves and in themselves for the time being, and that they were carrying on war on their own and sole account. Our government recognized these things as facts established; but be it remembered that they recognized the south as belligerents in so far only that they had no control over events that had led the south to assume that position, and the government were shaping their conduct in the best manner they could according to the laws of their own country and according to the laws of nations. They gave them no privileges as such; they wished to God they were not belligerents; but being so, they did not refuse to take notice of the fact. The Americans themselves—the northerners—who complained sometimes that we had given the south a premature recognition as belligerents, forgot that unless the south were belligerents they could not have maintained the blockade against the south, nor the ships, guns, powder, and all that was known as the munitions of war. Therefore it was necessary for their purposes, as for the purposes of the south, and, above all, for our purposes, that our position should be understood, and not be of an equivocal character. There was nothing more important than that we should mind and regard the laws, rules, and regulations of war as applicable between the parties and ourselves, as a neutral nation, taking no part in their quarrels. As to our recognising the independence of the south, we should ask ourselves, "Have they established finally their independence?" While there is this furious war raging; whilst battles are being fought from day to day; whilst we see one great city of the south—the city of New Orleans—in the possession of the northerners, and Charleston every day threatening to fall into their hands; when no person can really predict either the duration or the result of the contest, to say that we are to recognise the independence of the south was to say "you must pronounce judgment beforehand"—that we are really to take side, and not wait to see whether these States can establish their independence or not. (Applause.) Without waiting for the event, we determine that they will and shall be, and consequently call them independent before they are. Those who demanded we should do it, had we done it, would have gone on to say, "What is the use of calling them independent unless you go on and make them so?" (Cheers.) How—in what way—should we be better for that? Should we get more cotton? Should we break the blockade, would the dreadful carnage cease? Giving them words was not what they wanted. They wanted action; they wanted to stop the war. If we gave recognition in words merely, without altering our conduct in other respects, we should be holding ourselves up to the scorn of Europe, doing very little real benefit to the southerners, and at the same time giving just offence to the northerners, against whom we should be pronouncing a verdict prematurely. If the course of events should really establish their independence; if the hostile armies of the north be withdrawn from their soil; if they should ever get into that situation which, after thirteen or fifteen years sanguinary contest, our American colonies found themselves when they formed the United States, of course we should then recognize them. But we wanted the fact to be settled first. To recognise their independence before that settled fact was to say we wished to bring about that which has not taken place, and while pretending to be neutral we should be plainly demonstrating that we did not mean to be bound by the conditions of neutrality. The feeling which it was thought existed in this country towards the south was explainable in this way: it was the fashion of Englishmen to sympathize with the brave without troubling themselves very

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much about close inquiry into politics, especially when the brave were seen to be contending against great odds for liberty and independence. It might be recollected that there was a case in point a few years ago. The government of Hungary was in the hands of insurgents. In many great battles those insurgents prevailed over the armies of Austria, amid almost the universal sympathies of Europe. It was not until another great power, violating the neutrality it had previously maintained, threw its sword into the scale, that the cause of Hungary was defeated. Did anybody ask that we should recognise the independence of Hungary whilst the contest was raging? Whatever were our sympathies, Hungary could not be independent until it acquired independence—which it never did. And yet, actually, while the contest was raging, the United States sent an ambassador over to Vienna with offers of recognition; and that ambassador had the mortification of finding himself just too late—Hungary in the mean time having become entirely subjugated. Was this a dignified situation for a great nation? Was that a situation in which England ought to place herself? No, unquestionably not; we must wait patiently, praying devoutly that the unhappy contest in America may soon terminate. And let who will abuse us, whatever pressure may be put upon us, we must be determined to do this, and nothing but this, which we believe our duty, applying the best and fairest test to the case—consider what we should like to be done to ourselves if we were in similar circumstances. (Hear.) Now, our government had up to this point acted upon that principle. Our government acted upon this principle when the question arose regarding the assertion of maritime rights—the rights of war by the vessels of the United States against the shipping of this country. We would not for a moment endure that they should invest new powers; that they should transgress the laws of nations, and violate the hospitality of England by attacking upon the wide seas our ships which happened to have on board persons supposed to be on an expedition hostile to the interests of the north. The whole country was prepared, much as we deplored the necessity of it, instantly to vindicate its honor, and to go to war rather than tolerate such a proceeding. They were bound to obey; and when it had come to a question of submitting, on our part, to the established laws of war, ship after ship in attempting to run the blockade having been taken from us, and about which all sorts of stories were told in the papers, though in many cases there might be a real doubt about the justice of the seizure, we had always said, "We will bear for America what America bore for us under the same circumstances; we must have this matter investigated by prize courts according to the laws of nations, and if these prize courts decide against us we must submit to it, unless we can prove some gross and manifest injustice done by them to us which we would not have practiced ourselves." He was bound to say, in justice to the United States, that our government had not as yet been able to find any such gross or manifest injustice. He did not think the honor of the American States had suffered. He believed they had asserted the laws of war about as strictly as we did, and not more strictly, and we had therefore submitted in good faith. Some of the decisions might seem to us hard when compared with what was done in England with regard to the ships of neutrals when war was carried on by ourselves, and with what we may be obliged to administer again if unhappily war should occur again. It would be very surprising if the statesmen of America do not see we have acted in good faith and in honor towards them, for on their account, as well as for the sake of our own nation, government had endured some obloquy from powerful and wealthy citizens who had an interest in carrying on trade with the southern States, and who endeavor in many instances to carry it on without for one moment considering the trouble and anxiety they cause the government, or the peril in which they put the nation. He believed he might venture to state, however, that the government would rather venture to endure the obloquy, or even relinquish office, than fritter away the nation's time and strength in an endeavor to put aside the blockade, which unhappily causes so much serious inconvenience and loss to this country, inasmuch as by so doing we should be abrogating the very course we ourselves had adopted when in the position of belligerents, and when to the uttermost we took advantage of those rights of war which some people would deny to the north.

There was one other subject on which the conduct of our government also deserved a remark. We know very well that it is perfectly lawful for the citizens of a neutral country to trade with both parties if they can. It is also lawful to sell anything which either party would take in the way of merchandise, powder, shot, guns, or any other things; and we had on both sides had customers, and sold a great many articles of that description. But there was, on the other hand, a limit to all that, and it is not consistent with the duty of a neutral nation to supply the means of carrying on war as a government to either party, or to promote warlike exhibitions in its harbors, or send ships-of-war from its shores; and in order to prevent such things being done—which undoubtedly we should have reason to protest against if done to us, and which could hardly be carried on by any nation on a large scale professing neutrality without involving it in war—we had got a law

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which may or may not be easy to construe, but which certainly was intended to prevent these things. We all knew, as a matter of fact, that the Confederate States had endeavored to make this country the basis of their maritime operations. Our government, in perfect good faith, said this: "We will not permit anything to be done which can be shown to be a violation of our own laws or of the law of nations; we cannot go beyond our laws or of the laws of nations, but we shall do all we can to prevent the evasion of either one or the other, not caring whether one party or the other benefits by it, not balancing the relative strength or trying to alter it, or permitting it to be altered, but simply performing our obligations according to what is dictated by our own domestic legal enactments, and according to the received laws of nations." (Hear, hear.) The Americans had complained of the escape from this country of the well-known Alabama, which, as we know, had committed great ravages upon their commerce, and of other ships said also to have left England for the same purpose. They spoke as though it was a very easy thing for the government to prevent that sort of thing being done, whereas it was a most difficult thing; and it was remarkable that, although their government in former wars had not shown any want of will to prevent the same thing occurring, he was not aware that they had ever succeeded in preventing it in one single instance, because, although several cases were brought into their courts of law of ships which had gone out of their harbors commissioned by other belligerent powers and taken prizes on the seas, they were taken notice of only because they had the boldness to come with their prizes into the ports out of which they had in the first instance sailed. Therefore, it would not be reasonable for them to hold our government responsible for every evasion of our laws to their disadvantage. On the other hand, he hoped and believed that the people of the country at large would not be inclined to identify themselves in feeling with those merchants of ours who seemed to think that they were bound by no obligation to our laws at all, and that it was perfectly fair for them, if they chose, to carry on a trade with a belligerent power, while at the same time they knew that government were anxious, for the sake of the nation, to preserve a strict neutrality. (Hear.) He did not think that was the part of patriotic Englishmen, loyal to their laws, and having a true view of the interests of the country. Though perfectly conscious of the great difficulties of bringing the law to bear by complete and conclusive evidence in cases of this kind, where every article is used for the purpose of disguise and evasion, he had every confidence that the people of this country would approve the government in the measures they had taken to make it clear and plain that those proceedings were perpetrated without the will, connivance, or consent of those who are responsible for the government of the country. (Hear.) Let him, in conclusion, remind them of the two great things which, by the course the foreign policy our government had hitherto pursued in this American war, they hoped to secure—two things which brought to them inestimable blessings if they go together—peace and honor. They desired to maintain peace, but, of course, only upon honorable terms. (Cheers.) He thought that those who had had the advantage of serving under Lord Russell and Lord Palmerston at this most momentous crisis may look back with satisfaction, if not with pride, upon the manner in which the foreign affairs of this country had, on the whole, been administered. They had ever been forward in maintaining the cause of freedom throughout the world, preferring to do so not less by moral influence than by non-intervention, believing it possible to recognize peace at home with honor abroad, but that it was only possible to do so by a policy perfectly disinterested, perfectly self-denying, perfectly upright, straightforward and honorable. They had no by-object, no end or aim of their own to serve. All they wished to do was their duty, and to preserve the peace of their country and the peace of the world. If they could do this, and do it with consistency and honor in these difficult times—it had been done hitherto, and he believed it could be done yet by their persevering in the same course—he was sure we should owe a deep debt of gratitude, whether we acknowledge it or not, to the government, and he believed this debt of gratitude is felt and acknowledged by the people at large.

The honorable gentleman resumed his seat amid general cheering.

Alderman Smurthwaite, who described the attorney general's speech as conspicuous no less for eloquence than for depth of argument and lucidity of statement, moved a vote of confidence in the honorable gentleman, and pledging the electors again to support his return to Parliament as their representative.

Alderman Robson seconded the motion.

The proposition, on being put to the meeting, was carried without a dissentient voice.

A vote of thanks to the chairman terminated the proceedings.

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Mr. Seward to Mr. Adams.

No. 736.] DEPARTMENT OF STATE,
Washington, October 17, 1863.

SIR: I enclose a copy of a letter, of the 13th instant, addressed to the department by the Secretary of the Navy, and of the contract to which it refers between certain agents of the insurgents for the delivery of naval stores at St. George, Bermuda, to be thence introduced into the United States in violation of the blockade.

You will bring this to the notice of Earl Russell as a measure which, if carried into effect, seems to us to be a violation of the spirit, at least, of the Queen's proclamation, and as requiring such instructions to the authorities in Bermuda as would prevent those islands being made a place of deposit for the purpose referred to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
Washington, October 13, 1863.

SIR: I have the honor to enclose herewith a copy of an original contract in the possession of this department, entered into on the 28th of August, 1863, at Richmond, Va., between George R. Ghiseling, of Kentucky, and John H. Maddox, of Louisiana, under the name and style of George R. Ghiseling & Co., of the first part, and John de Bree, paymaster of the so-called confederate navy, for and in behalf of the navy department of the so-called Confederate States, of the second part, having for its object the procuring from abroad, for the use of the insurgent government, certain naval forces, and looking to the establishment of a depot for such stores at the port of St. George's, Bermuda.

The schedule referred to in the contract, and forming a part of it, did not come into the possession of this department.

My object in furnishing you with this extraordinary paper is for the purpose of suggesting that the attention of Lord Lyons be called to the proposed violation of the neutrality of Great Britain by making use of one of her Majesty's ports as a depot of naval stores intended for the insurgent government, which has been recognized by Great Britain as a belligerent, and under a contract made under the authority of said government.

In connexion with this contract, it may not be amiss to state that one of the parties to it, Joseph H. Maddox, was early in the rebellion confined at Fort Lafayette upon a charge of illicit traffic and violence of the blockade, and was released on entering into an engagement, under oath, that he would not enter any of the States in insurrection against the authority of the government of the United States, nor hold any correspondence or other communication with persons residing therein, during the present hostilities, without permission, nor do any act hostile or injurious to the government of the United States.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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Copy of contract.

This contract, made and entered into this 28th day of September, A. D. 1863, between George R. Ghiseling, of Kentucky, and Joseph H. Maddox, of Louisiana, under the name and style of George R. Ghiseling & Co., of the first part, and John de Bree, paymaster confederate navy, for and in behalf of the navy department of the Confederate States, witnesseth: That the said party of the first part undertakes and agrees to deliver to the designated agent of the Confederate States navy department, at a port of the Confederate States, east of the mouth of the Mississippi river, in the possession and control of the Confederate States government, within six (6) months from the first (1st) day of October, 1863, all in good merchantable order, the naval stores as set forth in the schedules hereto annexed, marked A, B, C, D, and E, respectively, which schedules are hereby declared to belong to and become part of this contract.

And said party of the first part further stipulates and agrees to purchase or otherwise procure one or more fast and light-draught steamers, and to freight and despatch the same from some foreign port with all the haste possible; said steamers to remain under the exclusive control of said party of the first part during the continuance of this contract, and to be used only in its execution.

And it is understood and agreed that if at any time the said party of the second part shall so direct any part or the whole of deliveries under said schedules A, B, C, D, and E, or under any other hereafter sent, shall be made at the port of St. George's, Bermuda, excepting such portions thereof as shall already have been actually shipped before the receipt of such order by the party of the first part.

And in consideration of the stipulations by the party of the first part, as hereinbefore set forth, the party of the second part covenants and agrees to pay to the party of the first part, his attorney or assigns, upon certified bills or invoices approved by the agent of the Confederate States at the port whence shipped, the full amount of each and every delivery, with the addition of twenty-five (25) per cent. thereon if delivered in a port of the Confederate States, and with an addition of ten (10) per cent. thereon if delivered at the port of St. George's, Bermuda, and with the addition, in either case, of the actual cost of transportation, to include the outlay for coal, hire and subsistence of the crew and officers, wharfage, lightage, and labor of loading only: *Provided*, That, in the case of deliveries at a port of the Confederate States, such charges for transportation shall not exceed and may be covered by the payments to the party of the first part of twenty-five pounds (£25) sterling for each and every ton so delivered.

And the party of the second part further covenants and agrees to pay the party of the first part an additional premium of ten (10) per cent. upon all bills or invoices, certified to as above, if delivered at a port of the Confederate States within forty (40) days from the tenth (10) day of October, 1863, there being no premium to be paid upon any charges for freight or transportation.

And the party of the first part agrees and stipulates to receive for all payments to be made to him, at the option of the Confederate States navy department, either sterling bills of exchange, or cotton at sixpence (6*d.*) sterling per pound, delivered at a port of the Confederate States in the possession and control of the Confederate States government: *Provided*, That said party of the first may be allowed to convert such bills of exchange into cotton, and to ship all cotton in either way obtained by them without any impressment of or interference with the same during its transportation to or detention at such port; and that it is distinctly understood and agreed that no part of said cotton shall be used for any other purpose than to purchase naval stores under this contract, until all the provisions of the same shall have been carried out and executed; and that no part of said cotton shall at any time be shipped to or sold in any port belonging to or in possession of the United States of America, under the penalty of forfeiture of all dues and payments to the said party of the first part by the Confederate States navy department.

And, finally, it is understood and agreed that all schedules that may be sent by the party of the second part after the signing of this contract shall become part of it, and be in full force for all the provisions of the same, from the date of their receipt by the party of the first part, and that this contract may be extended beyond the time hereinbefore set forth, both parties thereto concurring: *Provided, also*, That if, by the act of God or of the public enemy, there shall be any unavoidable delay or detention in the deliveries under this contract, the time hereinbefore stated shall be extended, so as to allow the party of the first part the time necessary to carry out the stipulations of the same.

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In testimony whereof, we have hereunto set our hands this twenty-eighth day of September, A. D. 1863, at the navy department of the Confederate States of America.

GEORGE R. GHISELING.
J. H. MADDOX.
JOHN DE BREE, *Paymaster in charge.*

Signed, sealed, and delivered in presence of—
J. P. McCORKLE.
CHARLES J. OST.

Approved.

S. R. MALLORY, *Secretary of the Navy.*

Mr. Seward to Mr. Adams.

[Circular.]

No. 737.] DEPARTMENT OF STATE,
Washington, October 20, 1863.

SIR: Owing to an accident that befell the Africa, her mails, which are reported to be safe, have been delayed, and thus the department is without foreign advices since my last despatches were written.

Recent domestic military events have no striking importance. Our forces in East Tennessee have made successful advances. General Rosecrans has remained unmolested while fortifying and being re-enforced at Chattanooga. The attempts of the insurgents to break his communications have failed, and they have suffered some disasters. Lee's army having crossed the Rapidan, General Meade withdrew to Centreville, where he observes the enemy. The siege of Charleston continues. We have heard favorable reports from General Banks's movement against Texas.

The annual elections have taken place in Ohio, Pennsylvania, and Iowa, and the results, compared with those of the previous year, are auspicious to the Union.

The President has called for three hundred thousand troops by voluntary enlistment, with the alternative of a draft, and the public sentiment cheerfully sustains the call.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Same to Messrs. DAYTON, CLAY, PIKE, KOERNER, &c.

Mr. Seward to Mr. Adams.

No. 739.] DEPARTMENT OF STATE,
Washington, October 23, 1863.

SIR: The mails of the Africa have arrived at last. I hasten to acknowledge the reception of your despatch of the 1st of October, (No. 505,) which informs me of the representation you have submitted to Earl Russell concerning the depredations of the Alabama in the waters which surround the Cape of Good Hope.

Thus far we have received no advices from our consul at that place, or from any other source.

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The representation you have made is approved, and as the case shall be further developed you will be expected to maintain the rights of the United States in the spirit indicated in your note to his lordship. I submit for your consideration that the occasion seems to be a suitable one for representing to the earl that the toleration shown by the British authorities at the Cape of Good Hope to the Alabama, a vessel that has never touched American waters, and either burns and destroys all that she captures, or condemns them in pretended courts held by the captors themselves on the deck of their ship, is a virtual confusion of all distinctions known in the law of nations between national belligerent vessels and privateers, and, further, of all distinctions between privateers and pirates. If such is to become the practice of maritime powers, it will be difficult to perceive what the world has gained by the declaration of Paris, or could gain if that declaration should be accepted by all commercial nations.

The ultimate interest of Great Britain in the reprobation of such practices is not less than the immediate interest of the United States in the question.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 522.] LEGATION OF THE UNITED STATES,
London, October 23, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered 727 to 731, inclusive, and also No. 723 mentioned last week as missing.

The most important of these is No. 730. I have at once given directions to prepare copies of the papers relating to the various cases which have been detained pending a decision, as well as those which came to hand simultaneously with your despatch. I have likewise drawn up a form of note to Lord Russell, based on your instructions, which will accompany them. As the labor of preparation takes time, in addition to the ordinary work of the legation, it may be a day or two before all will be complete to send.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 523.] LEGATION OF THE UNITED STATES,
London, October 23, 1863.

SIR: There is not much in the events of the past week that calls for particular notice. Perhaps the most interesting to you will be the reports of speeches by public men, of more or less note, which commonly take place at this season of the year at popular gatherings or other assemblages, either casually occurring or made on purpose. The address of Lord Brougham at Edinburgh furnishes one more to many preceding examples of the eccentricities of that distinguished man. * * * * * * The speeches of Sir Roundell Palmer and Mr. Callier on their re-election to Parliament are of more conse-

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quence. Both of these officers substantially assume satisfactory positions in regard to the questions connected with the United States. * * * * The apprehension of every appearance of taking a side with the United States is one of the phenomena most frequently visible among British statesmen at this crisis.

Another speech is that of Lord de Grey which assumes importance from his position as secretary of war and a member of the cabinet. It is satisfactory as indicating a settled policy on the part of the government. * * * * The speech of Mr. Henly may be construed as indicative of disinclination in the better class of the conservative party to disturb the ministers in their American policy.

On the other hand, efforts are sedulously making to organize a popular movement in behalf of the rebel cause. To this end Lord Wharncliffe, a young nobleman of the conservative party, has accepted the chief place in the association created with that object. Mr. Beresford Hope, Mr. Lindsay, and others, are laboring by particular addresses and in other ways to mature a policy of recognition for production at the next session of Parliament. Thus far it cannot be said that much disposition has been shown to take it up.

* * * * * * * * * *

On the whole, the prospect of quiet looks promising. But it depends so entirely on the course of events not merely in America, but also in the rest of Europe, that it is impossible to count on anything in the future with confidence. The military situation is always a touchstone of the most sensitive description. Of late, however, the very unequivocal preparations making in the north of Europe for a possible conflict in the spring have aroused a great deal of attention, and added to the indisposition to make needless demonstrations.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 525.] LEGATION OF THE UNITED STATES,
London, October 23, 1863.

SIR: On the 17th instant I addressed a note to Lord Russell calling the attention of her Majesty's government to a war vessel now being prepared at Glasgow for the insurgents in the United States, called the Canton. Copies of that note, of its enclosure, and of his lordship's acknowledgment, are transmitted herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES.
London, October 17, 1863.

MY LORD: It is with great regret that I find it my duty once more to call your lordship's attention to the efforts making in this kingdom to aid the insurgents in America in carrying on their resistance to the government of the United

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States. I have strong reason for believing that, in addition to a very formidable steam-ram now in process of construction at the port of Glasgow, but not yet so far advanced as fully to develop her character, there is another steamer ready to be launched, called the Canton, having all the characteristics of a war vessel, which is about to be fitted up and despatched with the same intent from the same place. I beg leave to submit to your lordship's consideration some extracts from a letter addressed to me by W. L. Underwood, esq., the consul of the United States, giving some information in regard to this case. Mr. Underwood himself entertains no doubt of the destination of this vessel, although from the secrecy used in the process of construction and preparation, itself a cause of suspicion, he has been slow in gaining evidence on which to base a representation.

Not doubting that her Majesty's government will take all suitable measures to ascertain the correctness of these allegations, I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Underwood to Mr. Adams.

UNITED STATES CONSULATE,
Glasgow, October 15, 1863.

SIR: It is my unpleasant duty to inform you that recently it has come to my knowledge that a ship-of-war, in addition to the formidable iron rams of which I have heretofore given you information, is now being built, and nearly ready to launch, in the ship-yard of Messrs. James and George Thomson, of this city, intended for and belonging to the Confederate States. She is after the model of the rebel ship Alabama. "Canton—London" are the words gilded on her stern. She is a clipper-built screw steamer, with three masts, two of which are iron, one of wood. Her length is from 280 to 300 feet from stem to stern; her beam about 56 feet. Her frame is iron, bordered up with teak wood planking, about five inches thick in the inside, up to the water-mark. She is pierced with four large port-holes and four smaller ones on each side, making sixteen in all; the larger ones seem suited for the sweep and play of pivot guns. She is constructed to carry the greatest portion of her coals in iron side-pockets between decks, so as to give an unobstructed passage clear through from one fire-room to the other. Her water draught is marked fifteen feet. Has "eye-bolts" in her sides, suitable for and intended to handle and secure her guns. She is dor-key or bark-rigged, and although similar to the Alabama, the only difference being that she has an iron frame, whilst the Alabama has a wooden one. She is probably from 1,200 to 1,500 tons burden, can be launched at any day, and is understood to be only waiting for the spring tide. Her propeller is two-bladed, and of composition metal, very hard, being a mixture of brass and copper, with the flanges so constructed that in case one is injured another may be put in its place without interfering with the bush. She is known in the yard as the "frigate." She has a screw hoisting gear, for lifting her propeller, and, when it is up, has a stern that falls down and makes her appear like a sailing ship. Her cylinder is 60 inches in diameter. Until now the eye-bolts and fixtures for running her guns in and out, her port-holes, and other characteristic contrivances that mark her a war vessel, were all visible and apparent, and with them so it was intended to have launched her on some day of last week.

* * * * * * * * * *

But in order to conceal the character of the vessel, and thus elude the vigilance and avoid the interference of the government, these characteristic fixtures have been and are being removed. The eye-bolts for the gun gear have been drawn, their holes stopped and effaced, and the bolts stored away, to be replaced when the ship gets to sea. The doors or shutters of the port-holes are to be taken from the hinges, the hinges removed, and the shutters to be screwed or fastened over the port-holes, so as to present a clean side, until she gets out. It is not expected she will take on her armament here. On the contrary, it is understood that, as soon as launched, she will take her boilers and heaviest machinery aboard, and will then be immediately towed to some place to me unknown, to which her

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remaining machinery will be transported on another vessel, and then be taken on board by her.

* * * * * * * * * *

The managers of the Canton are fraudulently seeking to evade responsibility by taking advantage of what is understood to be the *letter* of the British rule as to a war vessel's responsibility in leaving her ports armed, &c,, whilst by this very fraudulency they are additionally criminal, since her hostile intent is as flagrant and clear as if she had her guns on board.

* * * * * * * * * *

I can only hope you will lay this case before the British government, and that in its own wisdom it will take immediate steps to investigate the facts I have suggested, and to afford such restraint or remedy as may be consistent alike with its honor and duty.

I am happy to add that the Scotch law affords, as I am advised, peculiar facilities to such preliminary investigations as may be adopted in this case, inasmuch as, unlike the common law, it tolerates and permits an inquiry and interrogation under oath of the party immediately implicated.

I have the honor to be, sir, your obedient servant,

W. L. UNDERWOOD,
United States Consul.

Hon. CHARLES FRANCIS ADAMS,
United States Minister, London.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 19, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, and its enclosures, relative to a vessel said to be in course of construction at Glasgow, intended for the service of the so-styled Confederate States, and I have to state to you that I have lost no time in communicating copies of the same to the proper department of her Majesty's government, in order that immediate inquiries might be made into the matter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 740.] DEPARTMENT OF STATE,
Washington, October 24, 1863.

SIR: I have received your despatch of the 1st of October, (No. 504.)

The very able speech made by Earl Russell at Blairgowrie is, in its more important aspects, so just and liberal towards the United States that it cannot fail to modify the sentiments of asperity hitherto prevailing among the people in both countries.

Every day's experience of new difficulties in the conduct of the relations of the two countries upon principles which render possible the despatch of armed naval expeditions from British ports to make war on the commerce of the United States could not fail to increase anxiety here, and irritation in both countries. It is not forgotten by this government that one war between the United States and Great Britain has already arisen out of controversies about neutral rights, not more serious than those with which we are now so constantly engaged. The United States, at all times sincerely deprecating a recurrence of that form of national calamity, must necessarily deprecate it now more earn-

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estly than they have done heretofore, for the obvious reason that it would coincide with and aggravate a painful civil conflict. We have never doubted that the government of Great Britain are as sincerely opposed to an unnecessary disturbance of our mutual peace as we ourselves are, and, therefore, we have been anxious that her Majesty's ministers should understand, as clearly as we do, the dangers towards which, as it has seemed to us, we were drifting. It would be no more congenial with the disposition of the President to use these apprehensions by way of menace or intimidation to Great Britain than it would be consistent with the generous spirit of Great Britain to be approached in that manner. In the absence of specifications, I have not been able to find in your correspondence with Earl Russell anything which, dispassionately interpreted, could justly expose you to censure in this respect. If, however, anything of the kind should be indicated to you, or should occur either on your part or on mine, the President will expect that such explanations shall be made as her Majesty's government, with a just regard to the sensibilities of the British nation, may require.

The transactions in which we are engaged are too great, and our responsibilities concerning them are too grave, to allow us for a moment the indulgence of individual irritation, or even of the national jealousy which is quick in seeking or in giving occasions of offence. Great Britain has this one advantage over us in all these cases, that the difficulties between the two countries result directly from a domestic feud of our own, in which unnatural and disloyal Americans are, with infinite art and labor, seeking to involve foreign and friendly nations.

I am, sir, your most obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 744.] DEPARTMENT OF STATE,
Washington, October 26, 1863.

SIR: Your despatch of the 8th instant, (No. 511,) informing me of your proceedings under instruction (No. 692) of the 2d ultimo, respecting Mr. Partridge's course in regard to British interests in Salvador, has been received and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 745.] DEPARTMENT OF STATE,
Washington, October 26, 1863.

SIR: Your despatch of October 8 (No. 513) has been received. The memorial of the inhabitants of the city of Hereford, and also the proceedings of the people of Hartlepool, have been submitted to the President. The President desires you to present to those constituencies, respectfully, his sincere and grateful acknowledgments for the sentiments of good will and friendship towards the United States which they have expressed with so much unanimity and gratifying earnestness. It will be a pleasing duty on the part of this government to

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vindicate these favorable sentiments which are manifested towards it by the friends of freedom and humanity in Europe.

It can hardly be necessary to ask you to submit to Earl Russell whatever you may write in executing this instruction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts]

No. 526.] LEGATION OF THE UNITED STATES,
London, October 29, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered 732, 733, and 734. The explanation they give of the policy of the government are clear and satisfactory. The despatch No. 732 contains an enclosure, the contents of which had been already communicated to me from the same source.

There has been little of interest in the events of the week. A communication in the Times, from the writer who takes the signature of "Historicus," in which he comments with force upon the bearing of the intercepted despatches from Richmond on the action of the rebels at Liverpool, has drawn forth replies from Mr. Lindsay and George N. Saunders, both of them characteristic, and illustrative of the sort of commercial morality that is supposed by them to prevail here.

* * * * * * * * *

The hope of getting out the iron-clads does not appear to be yet quite extinguished. Some suspicious movements appear to have led to the order of an additional war vessel to keep them in check. Captain Inglefield is an energetic officer, and I think resolved to do his duty in good faith. It is, however, a remarkable circumstance that any such question as the defiance of the government in a leading British port should be supposed possible.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS,

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[*From the Morning Star (London) of the 26th of October*, 1863.]

MR. LAIRD, M. P., ON THE ALABAMA AND THE STEAM-RAMS.

At a presentation of prizes to volunteers at Liverpool, on Friday, Mr. Laird, M. P., made a lengthened speech, in the course of which he said: I do not know that I ought to occupy your time any longer, but various statements have been made about a vessel that has attained to some degree of fame. I refer to a vessel well known throughout this country as the Alabama. (Loud and repeated cheering.) I am not ashamed to acknowledge that some of my family have had to do with that ship. Still, some statements have been made about her which should be controverted. I should not have made any remark now but for the fact that the government of this country had made certain statements, and have given certain legal opinions about her, and they have talked about the vessel having escaped. I see my friend Mr. Hind and other gentlemen, who are somewhat of sporting men, and well they know what I mean when I say: when hounds approach a fox cover the fox beats the hounds, and when the huntsman comes up to the cover the fox is gone. It is nonsense to talk about the fox escaping or about the Alabama escaping. The Alabama was

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in dock when she was inspected by very many curious people; and in dock she took on board her coals and her stores. There was no secrecy whatever observed about the ship. She went out of dock at night; and I ask you, as men of common sense, if she wanted to escape, surely the night was a time when she could have escaped. But what was the fact? They were so vain-glorious about their little craft that they anchored her off the Landing-stage, and there she remained until half past ten to eleven the following morning, when she left for her destination. They admit that she was not fitted out as a man-of-war, and that they had no legal authority to detain that ship until a man was engaged to serve on board her as a sailor. Does any ship-owner present believe, or any man connected with shipping, that the captain of a vessel supposed to be going upon an extraordinary voyage would go and tell a man who appears to have been a hired agent or spy of certain gentlemen in London? Would the captain of a ship on such an expedition go and tell a common sailor at the Sailors' Home all the ins and outs of his intentions regarding that ship? (Hear, hear, and applause.) Certainly not. Now, I know it is not true that the man was told anything of the sort by the captain. I have been so informed, and I believe the information to be on the best authority. But let me tell you it is not necessary, in engaging men to go to any part of the world, to tell these men where they were going; because, you know, I am an old hand myself in fitting out secret expeditions. (Laughter and applause.) A few years ago it was thought desirable by the government of this country to send vessels to China and to various parts of India secretly. A Chinese war was anticipated; the Russians were expected to come down the head of the Indus and the Euphrates; and it was desirable to place faith in somebody. Her Majesty's government were pleased to place faith in me, and I built for the British government about a dozen vessels; but the government said to me, "What we want you to do, Mr. Laird, is this: we want you to build, and to arm and equip these vessels, and to send them out; they must be yours, and nobody must know anything about it." Well, being a prudent sort of a shipbuilder, I said, "I will take your order on those conditions." I built the ships; they were armed; I engaged men; I did everything. (Hear, hear, cheers and laughter.) I had to engage not only sailors, but engineers and boiler-makers, ship-carpenters, and men of a variety of trades. I had to send them to various parts of the world, and I can assure you that a few shillings per month extra did all the business. They did not care where they went so long as they got a little extra pay. (Laughter.) And, therefore, the statement regarding the captain of the Alabama having told a sailor all about the ship—whose she was, and where she was for—bears the impress of falsehood upon the very face of it. I never saw the captain of the Alabama but once, and that was after having taken the ship out, and I don't think he was the man to make such a statement as that upon which the ship might have been stopped. Let me read you a few words from a speech of the solicitor general, who made another great speech the other day at Richmond. He said some months ago: It was not till the Alabama reached the Azores that she received her stores, her captain, or her papers, and that she hoisted the confederate flag. It is not true that she departed from the shores of this country as a ship armed for war. (Hear, hear, and great applause.) And then he went on to say: "But I wish the House to understand that in those depositions there was a great mass of hearsay evidence, which, taken by itself, could not form the basis of any action. Of the six depositions transmitted on the 22d of July, only one was good for anything at all, viz., the evidence of a person named Passmore, which was sufficient to prove the material facts. Two more were sent, corroborating Passmore, on the 24th, and were received by Earl Russell on the 26th." (Hear.) Passmore was the man who made the affidavit that he was told by the captain where the ship was to go. I don't believe him, and he must have got up the evidence for the occasion. Lord Palmerston, whom we all respect, (applause,) said, on the 27th of March last, "I have myself great doubts whether, if you had seized the Alabama, we should not have been liable to considerable damages. It is generally known that she sailed from this country unarmed, and not properly fitted out for war, and that she received her armament, equipment, and crew in a foreign port. Therefore, whatever suspicions we may have had—and they were well-founded, as it afterwards turned out—as to the intended destination of the vessel, her condition at that time would not have justified a seizure." (Cheers.) Now, here is Lord Palmerston, an old and experienced man, who says, in his opinion, the government would have been liable to considerable damages had they stopped that ship. I think, after what has been said—considering my connexion with this place, and after the noise this vessel has made in the world (laughter and applause)—the meeting will excuse my having brought forward these questions. (Applause.) Other speeches have been made by a noble lord who does not seem to agree with Lord Palmerston. I mean Earl Russell. (Hisses.) He made a speech the other day which has caused a great sensation all over the world, and which the Americans say is only due to the coercion they have put upon him. Earl Russell is a man who is well known and respected throughout the country by his own followers; but he is a man of whom Sidney Smith said that he had such confidence in himself that he would take com-

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mand of the channel fleet if necessary. Well, I think Earl Russell has undertaken something that he will not be able to carry through quite so easily as perhaps he might command the channel fleet. He has undertaken to say in this country that he can do certain things, and that if he finds the law is not sufficient he can go to Parliament for an indemnity. (Hear, hear.) I don't believe myself that Parliament will ever indemnify any man in the country, however powerful and however great he may be, if he is trying to transgress the law. (Loud and protracted cheering.) At any rate, up to the time when the act of indemnity is passed there are laws in the land which all of us are bound to obey. (Hear. hear.) Laws are not made for administrations, but for the people of this country, and the people are only bound to obey the law as it stands, and not to obey laws which may possibly come to be passed hereafter. (Renewed cheers.) Another eminent gentleman, Sir Roundell Palmer, had made another speech at Richmond; and I must say, having read that speech, that it is all very well for an eminent lawyer, one of the first legal authorities of the day, to make a speech in the month of March, and say that those were the views of the country, and then to make a speech in support of another client in October of opposite views; but I say it is not the duty of a man who holds the position of a statesman in this country to be placing one interpretation upon certain facts in March and another in October. (Loud cheers.)

Mr. Adams to Mr. Seward.

No. 527.] LEGATION OF THE UNITED STATES,
London, October 30, 1863.

SIR: I have the honor to transmit a copy of a note received from Lord Russell, dated the 26th instant, in reply to mine to him on the 23d, a copy of which, based on the instructions contained in your despatch No. 730, of the 6th instant, is now submitted with it.

Inasmuch as the argument of your despatch was drawn up more particularly to apply to the case of the "Alabama," I decided upon sending in with my note only the papers connected with the depredations committed by that vessel. This left on my hands a number of others occasioned by the "Florida" not disposed of. I now propose to send those in likewise to his lordship, with a note in which I mean to take notice of his singular allusion to "seeming merchant ships," in the face of the evidence in those cases, which went so far to strip off all such semblance.

The controversy raised by "Historicus" in the Times appears to be gaining vigor, from the interposition of Messrs. Lindsay and Saunders. As a general thing, the public appearance of the rebel emissaries proves injurious rather than beneficial to the rebel cause. Mr. Lamar, who is on his way home from his fruitless expedition to Russia, obtained, a few days since, through the interposition of the chairman, Mr. Lindsay, an opportunity to introduce at an agricultural celebration at Chertsey an elaborate prelude of a defence of slavery in the south. But it was not permitted by the former to reach its conclusion, doubtless for reasons satisfactory to himself. Although doctrines of that kind would find little serious objection among members of the higher class, they are extremely repugnant to the convictions of the great body of the people, educated as they have been to an admiration of the labors of Wilberforce and Clarkson. Every attempt to modify their views on the abstract question of slavery has not only failed, but has injured the influence of the maker.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 23, 1863.

MY LORD: It may be within your recollection that, in the note of the 17th of September, which I had the honor to address to you in reply to yours of the 14th of the same month, respecting the claim for the destruction of the ship Nora, and other claims of the same kind which I had been instructed to make, I expressed myself desirous to defer to your wishes that they should not be pressed on the attention of her Majesty's government, so far as to be willing to refer the question of the withdrawal of my existing instructions back for the consideration of my government. I have now the honor to inform your lordship of the result of that application.

After a careful resurvey of all the facts connected with the outfit and late proceedings of the gunboat No. 290, now known as the war steamer Alabama, I regret to report to you that the government of the United States finds itself wholly unable to abandon the position heretofore taken on that subject.

The reasons for this conclusion have been so often explained in the correspondence which I have heretofore had the honor to hold with your lordship touching this case, that I shall endeavor to confine myself to a brief recapitulation.

The United States understand that they are at peace with Great Britain. That peace is furthermore secured by treaties, which oblige both parties to refrain and to restrain their subjects from making war against each other.

They greatly regret to be compelled to admit the fact that the vessel known first as the gunboat No. 290, and now as the Alabama, is roving over the seas, capturing, burning, sinking, and destroying American vessels, without lawful authority from any source recognized by international law, and in open defiance of all judicial tribunals established by the common consent of civilized nations as a restraint upon such a piratical mode of warfare.

That this vessel was built with the intent to make war against the United States, by British subjects, in a British port, and that she was prepared there to be armed and equipped with a specific armament adapted to her construction, for the very purpose she is now pursuing, does not appear to them to admit of dispute.

That this armament and equipment, adapted to this ship and no other, were simultaneously prepared by British subjects, in a British port, with the intent to complete her preparation for her career, seems equally clear. Furthermore, it is sufficiently established that, when this vessel was ready, and her armament and equipment were equally ready, she was clandestinely sent, by the contrivance of her British holders, and the armament and equipment were at the same time clandestinely sent, through the connivance of the same or other British subjects, who prepared them, to a common point outside of British waters, and there the armament and equipment of this vessel as a war ship were completed.

This war ship, thus deriving all its powers to do mischief from British sources, manned by a crew of British subjects, enlisting in and proceeded from a British port, then went forth on her work to burn and destroy the property of the people of the United States, in fraud of the laws of Great Britain, and in violation of the peace and sovereignty of the United States. From the earliest to the latest day of her career she does not appear to have gained any other national character on the ocean than that which belongs to her in her origin.

From a review of all these circumstances, essential to a right judgment of the question, the government of the United States understand that the purpose of the building, armament, equipment, and expedition of this vessel carried with it one single criminal intent, running equally through all the portions of this preparation, fully complete and executed when the gunboat No. 290 assumed

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the name of the Alabama; and that this intent brought the whole transaction, in all its several parts here recited, within the lawful jurisdiction of Great Britain, where the main portions of the crime were planned and executed.

Furthermore, the United States are compelled to assume that they gave due and sufficient previous notice to her Majesty's government that this criminal enterprise was begun and in regular process of execution, through the agencies herein described, in one of her Majesty's ports. They cannot resist the conclusion that the government was then bound by treaty obligations, and by the law of nations, to prevent the execution of it. Had it acted with the promptness and energy required by the emergency, they cannot but feel assured that the whole scheme must have been frustrated. The United States are ready to admit that it did not act so far as to acknowledge the propriety of detaining this vessel, for the reasons assigned; but they are constrained to object that valuable time was lost in delays, and that the effort, when attempted, was too soon abandoned. They cannot consider the justice of their claim for reparation liable to be affected by any circumstances connected with the mere forms of proceeding, on the part of Great Britain, which are exclusively within her own control.

Upon these principles of law, and these assumptions of fact, resting upon the evidence in the case, I am instructed to say that my government must continue to insist that Great Britain has made itself responsible for the damages which the peaceful, law-abiding citizens of the United States sustain by the depredations of the vessel called the Alabama.

In repeating this conclusion, however, it is not to be understood that the United States incline to act dogmatically, or in a spirit of litigation. They desire to maintain amity as well as peace. They fully comprehend how unavoidably reciprocal grievances must spring up from the divergence in the policy of the two countries in regard to the present insurrection. They cannot but appreciate the difficulties under which her Majesty's government is laboring, from the pressure of interests and the combination of British subjects apparently bent upon compromising, by their unlawful acts, the neutrality which her Majesty has proclaimed, and desires to preserve, even to the extent of involving the two nations in the horrors of a maritime war. For these reasons I am instructed to say that they frankly confess themselves unwilling to regard the present hour as the most favorable to a calm and candid examination, by either party, of the facts or the principles involved in cases like the one now in question. Though indulging a firm conviction of the correctness of their position in regard to this and other claims, they declare themselves disposed at all times, hereafter as well as now, to consider in the fullest manner all the evidence and the arguments which her Majesty's government may incline to proffer in refutation of it; and in case of an impossibility to arrive at any common conclusion, I am directed to say that there is no fair and equitable form of conventional arbitrament or reference to which they will not be willing to submit.

Entertaining these views, I crave permission to apprise your lordship that I have received directions to continue to present to your notice claims of the character heretofore advanced, whenever they arise, and to furnish the evidence on which they rest, as is customary in such cases, in order to guard against possible ultimate failure of justice from the absence of it.

In accordance with these instructions, I now do myself the honor to transmit the papers accompanying the cases heretofore withheld pending the reception of later information.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

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Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 26, 1863.

SIR: I have had the honor to receive your letter of the 23d instant. In that letter you inform me that you are instructed to say that the government of the United States must continue to insist that Great Britain has made itself responsible for the damages which the citizens of the United States sustain by the depredations of the vessel called the Alabama. But towards the conclusion of your letter you state that the government of the United States are not disposed to act dogmatically, or in a spirit of litigation; that they desire to maintain amity as well as peace; that they fully comprehend how unavoidably reciprocal grievances must grow up from the divergence of the policy of the two countries in regard to the present insurrection. You add further that the United States frankly confess themselves unwilling to regard the present hour as the most favorable to a calm and candid examination by either party of the facts or the principles involved in cases like the one now in question. With this declaration her Majesty's government may well be content to await the time when a calm and candid examination of the facts and principles involved in the case of the Alabama may, in the opinion of the government of the United States, usefully be undertaken.

In the mean time I must request you to believe that the principle contended for by her Majesty's government is not that of commissioning, equipping, and manning vessels in our ports to cruise against either of the belligerent parties—a principle which was so justly and unequivocally condemned by the President of the United States in 1793, as recorded by Mr. Jefferson in his letter to Mr. Hammond of the 15th of May of that year. But the British government must decline to be responsible for the acts of parties who fit out a seeming merchant ship, send her to a port or to waters far from the jurisdiction of British courts, and there commission, equip, and man her as a vessel-of-war.

Her Majesty's government fear that if an additional principle were thus made elastic to suit a particular case, the trade of ship-building, in which our people excel, and which is to great numbers of them a source of honest livelihood, would be seriously embarrassed and impeded. I may add, that it appears strange that, notwithstanding the large and powerful naval force possessed by the government of the United States, no efficient measures have been taken by that government to capture the Alabama.

On our part I must declare that to perform the duties of neutrality fairly and impartially, and at the same time to maintain the spirit of British law, and protect the lawful industry of the Queen's subjects, is the object of her Majesty's government, and they trust that the government of the United States will recognize their earnest desire to preserve, in the difficult circumstances of the present time, the relations of amity between the two nations.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 528.] LEGATION OF THE UNITED STATES,
London, October 30, 1863.

SIR: I have the honor to acquaint you that I have just received from Mr. Harvey, the minister resident of the United States at Lisbon, a telegram, the language of which is as follows:

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"Please inform the department that cruiser Georgia has been depredating near Teneriffe, and boarded Liverpool steamer Braganza last Sunday, one hundred and fifty miles from here, heading northward towards British channel. I have notified Kearsarge at Brest, and adopted all other practical measures."

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. F. W. Seward to Mr. Adams.

No. 748.] DEPARTMENT OF STATE,
Washington, November 2, 1863.

SIR: I have to acknowledge the receipt of your despatch of the 16th ultimo, (No. 518.) Your note of the 12th of October to Earl Russell, as well as that of the 24th of September, is approved.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 529.] LEGATION OF THE UNITED STATES,
London, November 4, 1863

SIR: Despatches from the department, numbered 735, 736, and 737, have been received this week at this legation.

In obedience to the direction contained in No. 736 of the 17th of October, I addressed a note to Lord Russell on the subject of the intercepted contract, a copy of which was received with that despatch. A copy of my note is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 3, 1863.

MY LORD: I have great regret in being obliged to lay before your lordship new proofs of the manner in which the neutrality of her Majesty's ports is abused by the insurgents of the United States in order the more effectually to procrastinate their resistance.

I have the honor to transmit the copy of a letter addressed to the Secretary of State by the Secretary of the Navy of the United States, dated the 13th day of October, together with a copy of a contract entered into between certain parties and an agent of the insurgents, the original being now in the possession of the government, one of the objects designated in which is the establishing in the port of St. George's, in the island of Bermuda, of a depot of naval stores for their use and benefit in the prosecution of the war.

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This proceeding, if carried into effect, would seem to be so entirely in violation of the spirit, not less than the letter, of her Majesty's proclamation, that I am instructed to ask your attention to the expediency of giving such instructions to the authorities in Bermuda as would prevent its being made a place of deposit for the purpose referred to.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 530.] LEGATION OF THE UNITED STATES,
London, November 5, 1863.

SIR: In my despatch No. 527, of the 30th of October, sent last week, I mentioned my intention to address a note to Lord Russell, in reply to his of the 26th of that month, and at the same time seize the opportunity to send in the papers which yet remained in my hands relating to cases of depredation committed by the Oreto, *alias* the Florida. A copy of that note is herewith transmitted.

In relation to the extraordinary proceedings of the Alabama at Cape Town, reported in my despatch No. 505, of the 1st of October, probably one of those detained by the accident which happened to the Africa, I have now received from Lord Russell a reply to my representation. A copy of his note is transmitted, as well as of my acknowledgment of it. I presume the assurances to be given to you through Lord Lyons are intended to be satisfactory. I am not unwilling to be relieved of the necessity of arguing here a new question, which adds another heavy responsibility to those already incurred by this government from its feeble and fluctuating policy. It is alleged in the newspapers that a portion of the merchandise taken in the captured vessel was actually sold by the commander of the Alabama at Cape Town. This would seem to involve a question of restoration. I do not perceive that Lord Russell alludes to this. Perhaps it was not necessary, as I think there was no reference to it in the consul's representation, upon which my first note was based.

Since writing the above I have received a letter from Mr. Graham, the consul at Cape Town, a copy of which, at his request, I transmit. It appears to establish the fact that the governor considered the sale of captured property as not prohibited by the Queen's proclamation. Hence it is scarcely to be doubted that such sales were actually made. I shall write to Mr. Graham to obtain, in some form or other, the evidence to which he refers, and send it to the department.

Judge Pringle has likewise sent to me a supplement to the Cape Town Advertiser of the 17th of September last, containing the private journal of an officer of the Alabama, giving a full account of all her operations from the commencement. It goes far to corroborate the statement of the paymaster, Mr. Yonge, who was one of the principal witnesses in the case of the Alexandra. Although not available as evidence, I shall cause it to be reprinted here and send copies to the attorney general and other parties, who may be open to further conviction.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 31, 1863.

MY LORD: I have the honor to acknowledge the reception of your note of the 26th instant.

The conclusion to which it would seem that both governments arrive, in regard to the disposition to be made of the claims growing out of the depredations of the Alabama and other vessels issuing from British ports, appears to render further discussion of the merits of the question unnecessary. It is only to preclude the possibility of any inference growing out of an omission to notice it that I beg permission to make a single remark in connexion with your lordship's observation, that "the British government declines to be responsible for the acts of parties who fit out a seeming merchant ship." So far as the vessels now complained of are concerned, I think no reasonable doubt can be entertained, from the evidence which was obtained before their departure, that they never bore the semblance of merchant ships, even to her Majesty's officers who reported upon them.

I now beg permission to lay before her Majesty's government a number of memorials and other papers connected with the depredations of the vessel formerly called the Oreto, and now the Florida, which I am instructed to request may be disposed of in the manner indicated in my note of the 23d instant, to which your lordship's was in answer.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 29, 1863.

SIR: I acquainted you in my letter of the 2d instant that the matter connected with the proceedings of the confederate steamer Alabama at the Cape of Good Hope, to which your letter of the 29th September referred, were under the consideration of her Majesty's government.

Those matters were the capture by the Alabama of the United States vessel Sea Bride within, as was alleged, the territorial jurisdiction of Great Britain; secondly, the character of the Alabama herself; thirdly, the manner in which the Tuscaloosa, alleged to be a tender of the Alabama, was dealt with by the authorities of the cape. On these several points I have to state to you—first, that her Majesty's government are satisfied, by the concurrent testimony of the colonial and naval authorities at the cape, that at the time of capture the Sea Bride was considerably more than three miles distant from the nearest land; secondly, that as regards the character of the Alabama, that vessel is entitled to be treated as a ship-of-war belonging to a belligerent power, and that neither the governor nor any other British authority at the cape was entitled to exercise any jurisdiction over her; thirdly, that as regards the Tuscaloosa, although her Majesty's government would have approved the British authorities at the cape if they had adopted towards that vessel a course different from that which was adopted, yet the question as to the manner in which a vessel under such circumstances should, according to the tenor of her Majesty's orders, be dealt with was one not altogether free from uncertainty. Nevertheless, instructions

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will be sent to the British authorities at the cape for their guidance in the event of a similar case occurring hereafter. And her Majesty's government hope that under those instructions nothing will for the future happen to admit of a question being raised as [to] her Majesty's orders having been strictly carried out.

Copies of the reports from the colonial and naval authorities on the matters in question will be sent to her Majesty's minister at Washington, who will thereby be enabled to give to the government of the United States any further explanation they may desire to obtain on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 31, 1863.

MY LORD: I have the honor to acknowledge the reception of your note of the 29th instant, in reply to my representation of the proceedings of the steamer Alabama at the Cape of Good Hope.

Inasmuch as your lordship intimates that further explanation will be made to my government through the agency of her Majesty's minister at Washington, I shall confine myself to the transmission of a copy of your note.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Graham to Mr. Adams.

UNITED STATES CONSULATE,
Cape Town, September 26, 1863.

SIR: The Alabama sailed again from Simon's bay yesterday at 3 o'clock a. m. I have not had any further intelligence direct from the Vanderbilt, though she is reported as having been seen by one vessel off Cape l'Aguthas on the 22d instant, and by another off Danger Point on the 23d. The latter reported her to be going eastward

On the 20th instant I sent despatches for the Vanderbilt, in charge of American seamen going eastward in vessels, to be delivered if spoken; and if not, to be handed to my consular agent at Algoa bay, or the consul at Mauritius. The bearers were men I could trust, and the despatches contained the information that the Alabama was here. The despatches were probably not delivered in time, or the Vanderbilt would have been here before the Alabama sailed. The latter vessel, I believe, has now gone to the coast of Brazil direct.

Fourteen seamen taken prisoners from American ships by the Alabama at different dates, and who subsequently joined her crew to get out of irons, made their escape from her while here, (the last time,) and are now under my protection. Many others also escaped from her at the same time, but as they were British subjects who joined her originally, I would have nothing to do with their support.

I encouraged them, however, to desert and secrete themselves till her departure, and then to claim support from the British authorities here. In furtherance of my object to cripple her for want of men, I visited the governor on the 22d instant, and asked him by what authority the police could arrest deserters from the Alabama in this colony. And he answered, "None whatever." He added, that the seamen must not resist any attempt of the police to take them before a magistrate, (in which case I could appear in court,) but they would have the right to resist an attempt to place them in custody of officers of the Alabama.

I immediately informed the men of the decision, and wrote to the captains of the city

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and water police, informing them that I should hold them responsible in the court for false imprisonment and kidnapping if they attempted to make such arrests This had the desired effect, as no arrests were made, and the Alabama sailed with about twenty-five men short of her complement

At the above interview with the governor he stated that I had been misinformed as to the evidence taken in relation to purchase of prize cargoes, for none had been taken before a magistrate, as I had assumed.

I then stated to him the substance of the information I had received, and handed him the names of the six witnesses whose depositions I desired should now be taken under his authority. He declined, however, to give his authority for the examination, alleging that the purchase of prize cargoes was not distinctly forbidden in the Queen's proclamation. I endeavored to show, in reply, that as the proclamation forbade the entry of captured vessels into British ports, it was intended that British subjects should have nothing to do with them; but this argument failing to persuade him to authorize the examination, the interview ended.

Please send a copy of this despatch to Washington, as the *immediate* departure of the French steamer Tigre for Suez leaves me no time to make a duplicate copy Enclosed please find list of consular appointments published at my request in the government gazette of yesterday

I have the honor to be, sir, your obedient servant,

WALTER GRAHAM,
United States Consul for the Cape of Good Hope.

Hon. CHARLES F. ADAMS,
Envoy Extraordinary, &c., &c, London.

Government notice, No. 295, 1863.

COLONIAL OFFICE,
Cape of Good Hope, September 23, 1863.

It is hereby notified that his excellency the governor has been pleased to recognize the following consular appointments made by the consul general for the United States of America:

To be deputy consul at Cape Town.—John Philip Christie, esq.

To be consular agents.—At Port Elizabeth, Joseph C. Hess, esq.; at Simon's Town, John M Hoets, esq.; at Mossel bay, Edward Eagar, esq.; at Port Natal, George C. Cato, esq.

By command of his excellency the governor.

RAWSON W. RAWSON,
Colonial Secretary.

Mr. Adams to Mr. Seward.

No. 531.] LEGATION OF THE UNITED STATES,
London, November 6, 1863.

SIR: Little has happened thus far this week deserving of particular notice. I learn that there is great activity in forwarding arms to the rebels and in fitting out vessels, both at Glasgow and at this place. On these matters I do not write at large, presuming that you get full and faithful reports from other sources.

A few months ago extraordinary efforts were made to circulate in this country a pamphlet entitled An address to Christians throughout the world, by the clergy of the Confederate States of America. I found it stitched in among the advertisements usually appended to the numbers of the Edinburgh Quarterly, and other leading reviews and magazines. In this position I infer that the insertion must have been obtained at no inconsiderable cost of money. It may reasonably be doubted whether it was a very judicious or profitable expenditure to the

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parties undertaking it. In Scotland it has stirred up the leading clergy to make a reply, a copy of which I send herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Daily News, November 3, 1863.]

REPLY TO THE ADDRESS OF THE CONFEDERATE CLERGY ON SLAVERY.

The following is a reply by ministers of the churches in Scotland to the "Address to Christians throughout the world, by the clergy of the Confederate States of America:"

We, the undersigned ministers of the churches in Scotland, in reply to the appeal made to us in the "Address to Christians throughout the world," recently put forth "by the clergy of the Confederate States of America," feel bound to give public expression to our views, lest our continued silence should be misconstrued, as implying either acquiescence in the principles of the document, or indifference to the crime which it seeks to defend.

We refer, of course, to a single topic—that of slavery—as it is handled in the address. We desire to say nothing inconsistent with our country's attitude of strict neutrality as regards the war raging across the Atlantic. We do not discuss any of the political questions connected with its origin, progress, and probable issues. We offer no opinion on the measures adopted on either side. Nor are we to be regarded as shutting our eyes to the past and present sins and shortcomings of the north in relation to the African races. The one object we have in view is to express the deep grief, alarm, and indignation with which we have perused the pleading on behalf of slavery in general, and American slavery in particular, to which so many servants of the Lord Jesus Christ have not scrupled to append their names. With the feeblest possible incidental admission of "abuses," which they "may deplore in this as in other relations of mankind," we find these men broadly maintaining, in the most unqualified manner, that "the relation of master and slave"—"among us," they add, to make their meaning more explicit—"is not incompatible with our holy christianity." They thank God for it, as for a missionary institution—the best, as it would seem, and the most successful in the world. They hold it to be their peculiar function to defend and perpetuate it. And they evidently contemplate the formation of the southern confederacy upon the basis of slavery as one of its fundamental and permanent principles or elements, not only without regret, but with entire satisfaction and approval.

Against all this—in the name of that holy faith and that thrice holy name which they venture to invoke on the side of a system which treats immortal and redeemed men as goods and chattels, denies them the rights of marriage and of home, consigns them to ignorance of the first rudiments of education, and exposes them to the outrages of lust and passion—we most earnestly and emphatically protest. We do not think it needful to argue. The time for argument has for many a year been regarded by the whole of enlightened christendom as past and gone. Apologists for slavery, attempting to shelter themselves and it under the authority of God's word and the gospel of Jesus Christ, are to be denounced as really, whatever may be their intention, the worst enemies of both.

All reasonable allowance, no doubt, should be made for the circumstances of Christian ministers called in Providence to labor where slavery exists. Some soreness, even, on their part, under what they regard as unjustifiable and dangerous movements on the other side, might be excused as not unnatural. And if we saw them manfully lifting their voice on behalf of universal liberty, and setting themselves to aim at the instant redress of the more flagrant of the wrongs incident to a state of bondage, we should be prepared calmly to listen to their representations as to the best and likeliest practical methods of promoting the present amelioration of the condition of the slaves, and securing, within the shortest period consistent with safety, their complete and final emancipation.

We are reluctant to abandon the hope that, upon reconsideration, and in the view of the sentiments now unanimously held and expressed on this subject everywhere else, all over christendom, our American brethren may yet be induced to take up a position more worthy of our common faith than that which they at present occupy. But at all events, the obligation lying upon us, as things now stand, towards them, towards ourselves, towards the church and the world, towards the Bible and the Gospel, is to record in the strongest possible terms our abhorrence of the doctrine on the subject of slavery which the southern clergy teach, and upon which they act; and to testify before all nations that any state, empire, or republic, constituted or reconstructed, in these days of Christian light and liberty, upon the basis of that doctrine, practically applied, must, in the sight of God, be regarded as founded on wrong and crime, and as deserving not His blessing, but His righteous wrath.

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Rob. S. Candish, D. D., Edinburgh; Thomas Guthrie, D. D., Edinburgh; John R. Macduff, D. D., Glasgow; W. H. Goold, D. D., Edinburgh; A. K. H. Boyd, B. A., Edinburgh; Charles J. Brown, D. D., Edinburgh; Andrew Thomson, D. D., Edinburgh; H. Wellwood Moncrieff, Bart., D. D., Edinburgh; W. Lindsay Alexander, D. D., Edinburgh; James Begg, D. D., Edinburgh; William Arnot, Edinburgh; J. Oswald Dykes, Edinburgh; William Pulsford, Edinburgh; A. Moody Stuart, Edinburgh; Duncan Ogilvie, M. A., Edinburgh; J. H. Wilson, Edinburgh; R. Macpherson, Edinburgh; George Brown, Edinburgh; James Robertson, Edinburgh; Robert Gordon, Edinburgh; Alexander Black, D. D., Edinburgh; John Braidwood, Edinburgh; Robert Hunter, A. M., Edinburgh; A. L. Simpson, Edinburgh; Robert Nisbet, D. D., Edinburgh; Andrew Crichton, Edinburgh; David Croom, Edinburgh; N. Davidson, D. D., Edinburgh; George Johnstone, D. D., Edinburgh; William Andersen, Loanhead, Edinburgh; Thomas Main, Edinburgh; William Tasker, Edinburgh; James Gall, Edinburgh; R. D. Duncan, Edinburgh; Edward A. Thomson, Edinburgh; Thomas Cochrane, Edinburgh; William Balfour, Edinburgh; James Kirkwood, Edinburgh; William Gillespie, Edinburgh; John R. Macduff, D. D., Glasgow; Rob. Buchanan, D. D., Glasgow; R. Jamieson, D. D., Glasgow; John Eadie, D. D., LL. D., Glasgow; Patrick Fairbairn, D. D., Glasgow; James Henderson, D. D., Glasgow; John G. Lorimer, D. D., Glasgow; John Forbes, D. D., LL. D., Glasgow; John Roxburgh, D. D., Glasgow; Alexander S. Patterson, D. D., Glasgow; Andrew A. Bonar, Glasgow; Walter Smith, Glasgow; A. B. Parker, D. D., Glasgow; John B. Johnstone, D. D., Glasgow; George Jeffrey, D. D., Glasgow; J. Logan Aikman, Glasgow; William Symington, Glasgow; John McDermid, Glasgow; John Ker, Glasgow; George C. M. Douglas, Glasgow; William Lindsay, D. D, Glasgow; John Robson, D. D., Glasgow; Hamilton M. Macgill, Glasgow; D. McTaggart, D. D., Glasgow; W. D. Henderson, Glasgow; Robert Bremner, M. A., Glasgow; George Philip, A. M., Glasgow; James Freer, Glasgow; James Macnaught, Glasgow; David Menzies, A. M., Glasgow; Robert Howie, M. A., Glasgow; Dugald MacColl, Glasgow; Alexander Wilson, Glasgow; Jos. Logan, Glasgow; Hugh McDougall, Glasgow; John Edwards, Glasgow; James Knox, M. A., Glasgow; Matthew Murray, Glasgow; Robert S. Drummond, M. A., Glasgow; James Johnston, Glasgow; G. Marshall, Middleton, Glasgow; R. C. Smith, Glasgow; David Mitchell, Glasgow; John Torrance, Glasgow; James Fraser, Glasgow; Thomas M. Lawrie, Patrick, Glasgow; Robert Niven, Maryhill, Glasgow; Henry Calderwood, Glasgow; John W. Borland, Glasgow; David Pirret, Glasgow; John Cairns, D. D., Berwick-on-Tweed; David Brown, D. D., Aberdeen; Alexander Beith, D. D., Stirling; W. Binnie, M. A., Stirling; N. McMichael, D. D., Dunfermline; William Nixon, Montrose; John Ainslie, D. D., St. Andrews; Alexander L. R. Foote, Brechin; Richard Waterston, Forfar; Horatius Bonar, D. D., Kelso; James Julius Wood, D. D., Dumfries; William Grant, Ayr; John Fordyce, Dunse; John Duns, D. D., Torphichen; William Wilson, Dundee; J. W. Wright, A. M., Haddington; John Purves, Jedburg; William Laughton, Greenock; George Lewis, Ormiston; John Macfarlane, D. D., Dalkeith; A. W. Milne, Canobie; David C. A. Agnew, Wigtown; Robert Macdonald, Leith; Joseph Brown, D. D., Dalkeith; W. Bruce Cunningham, Prestonpans; Charles Nairn, Dundee; John Blakely, D. D., Kirkintilloch; J. A. Wallace, Hawick; Lewis H. Irving, Falkirk; George Macaulay, Invertiel; James Grierson, D. D., Errol; Angus M. McGillivray, Dairsie; John Tait, Dumbarton; Robert Taylor, Blairgowrie; John Nelson, Greenock; Andrew Cameron, Stirling; J. W. Taylor, Flisk; Islay Burns, Dundee; Alexander Sorley, Arbroath; Charles Watson, Langholm; Alexander Hislop, Arbroath; John Laidlaw, Perth; William Mackenzie, North Leith; Peter McDowall, A. M., Alloa; Thomas Neilson, M. A., Rothesay; George Burns, D. D., Corstorphine; Robert Reid, Firth, Orkney; David Cairns, Stitchel, Kelso; John Bruce, D. D., Newmilns; Henry Renton, M. A., Kelso; James McGill, Lochmaben; James R. McGavin, D. D., Dundee; Robert Paterson, D. D., Kirkwall; Walter Morison, B. A., Ayr; W. D. Robb, A. M., Orkney; James Roy, M. A., Firth, Orkney; William Sinclair, M. A., Kirkwall; William Pringle, D. D., Auchterarder; Norman Macleod, North Uist; Graham Mitchell, M. A., L.L. D., Whitburn; Robert Machray, A. M., Dumfries; James Mackenzies, Dunfermline; D. McVean, Iona; J. McKerrow, D. D., Bridge of Teith; J. G. McVicar, D. D., Moffat; P. Grant, Dundee.

OCTOBER, 1863.

Note.—Nearly one thousand signatures, of which a few are given above, have already been received. Ministers in Scotland who wish their names appended to the document are requested to send their address at once to Messrs. Nelson & Sons, publishers, Edinburgh, before the list is completed.

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Mr. Adams to Mr. Seward.

[Extracts.]

No. 532.] LEGATION OF THE UNITED STATES,
London, November 6, 1863.

SIR: I have the honor to transmit copies of the Morning Post which contain reports of the proceedings thus far, in the court of exchequer, on the case of the Alexandra, on the question of an appeal from the ruling of the chief baron, at the trial held last spring. It now appears that the chief baron declines to sign a bill of exceptions, because it imputes to him certain legal declarations which he never made, and objects to him that he did not give instructions which he avers were the very ones he did give. As a consequence, a technical barrier was at once raised against further operations, which proved so difficult to remove that resort was finally had to the extraordinary step of creating a new rule for the purpose of admitting a motion on the part of the government. Thus far the new attorney general seems to have succeeded in forcing his way out of this court. But he has yet some further difficulties to overcome before he can get into the exchequer chamber, which, from the intimations made at the opening, would seem to be fully prepared to receive him.

* * * * * * * *

I am now rather hopeful of a better final result than I was in the spring. There has been a marked alteration in the tone of the leading newspapers, which will not fail to produce its effect on the classes which they reach. A copy of the Globe of the 4th instant, containing a leader on the subject, is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Morning Post of November 4, 1863.]

COURT OF EXCHEQUER.—Nov. 3.

Sittings in Banco in Michaelmas Term.—Before Lord Chief Baron Pollock, and Barons Bramwell, Channell, and Pigott.

The lord chief baron, on taking his seat on the bench, said: The ordinary practice is to take, first of all, the peremptory paper in the first two days of term; but, Mr. Attorney General, as I presume you are in attendance on the business of her Majesty, you are entitled to pre-audience.

THE ATTORNEY GENERAL VS. SILLIM.—THE CASE OF THE ALEXANDRA.

The attorney general. My lord, I came here to apply to your lordships not at present to go into any motion which will involve any lengthened discussion or argument, but to give me longer than the ordinary time appointed to us for the purpose of making, if it should become eventually necessary, a motion for a new trial in the case of the "Attorney General *vs.* Sillim," which was tried before your lordship at the last sittings after term, and concerned the forfeiture of the ship Alexandra. It will be in your lordship's recollection that your lordship on that occasion laid down the views which you thought ought to govern the jury as to the construction of the foreign enlistment act. Your lordship did so in a manner which we thought perfectly clear and intelligible to all persons. There was no difference whatever in the understanding of your lordship's ruling on the part of the counsel for the crown, and we have no reason to suppose it was otherwise as regards the counsel for the defendants, or that it was generally understood in any other sense than that in which we understood it. At the end of the trial we expressed a wish to offer, in the usual manner and form, exceptions to that ruling, and we were told that it was not necessary at all to stand upon form. His lordship said, "I will accept any bill of exceptions you wish to tender," and accordingly after the verdict we wrote out the principal points which we understood he had laid down; but his lordship

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said we were not to be bound by what passed on that occasion, and that the matter could be easily settled. Of course we were in hope that there would be no difficulty at all in consenting to a bill of exceptions. The case involved a point of very great importance, most fit for exceptions to be solemnly tendered for, in order that it might go to a court of error, and, if necessary, to the last court of appeal. We are most anxious that the question should be so raised and determined, and we have no reason to doubt that the other side is equally so, but hitherto there have been difficulties in arriving at any form of exception which we can rely upon as certain to receive the signature of his lordship. We hope that these difficulties may be overcome. We are in communication with the counsel on the other side, who have in their possession the form of exceptions we propose, and we trust that an agreement in writing may be arrived at with them; or if that should not happen, that his lordship, on being applied to at chambers in the usual manner, will be able to settle such a form of bill of exceptions as will raise the real question, to be determined in a way satisfactory to both parties and useful to the public.

The lord chief baron. I think it right to state that I see no prospect whatever of any change in the view I took as to my duty in deciding upon the bill of exceptions. A correspondence has passed between me and the late attorney general, which probably you may have seen; you were not present at the whole of the trial. So far from my laying down the law, as the bill of exceptions tendered to me assumed, I took particular pains to avoid anything of the kind. I had originally during that argument of Sir H. Cairns undoubtedly entertained an impression—I called it no more—that all the expressions in that act, "equipping," "fitting out," and so on, probably meant the same thing, and were to be referred to the verbiage of an act of Parliament, just in the same way as the word "ship or vessel," which are commonly used in statutes, and no doubt are intended to mean the same thing. But the late attorney general, in his address, referred to a case of an American court with an appeal to a superior court, where the decision below was affirmed. It was a case where the vessel was completely prepared in every respect with the exception of being armed. When I came to sum up, I mentioned that case to the jury, and commended it so far as to say I adopted it. I left it to them, and pointed out what had apparently fallen from the counsel as to the law on the subject, not what I considered was the law. I then finally left the question to them in the alternative, using the very words of the act of Parliament. "If you think," I said, "this vessel was armed, or equipped, or fitted out, or intended to be armed, or fitted out, or equipped, your verdict must be for the crown. If not, it must be for the defendants." Now, the attorney general presented to me a bill of exceptions, by which I was said to have told the jury that the vessel must be armed, and that if it was not armed there was no offence. I not only did not tell the jury so, but if you read the short-hand writer's notes, I think you will say no person can have any doubt that I left the question as I have just stated. But probably, Mr. Attorney General, the object you have in view may be attained by a motion without reference to a bill of exceptions. It is true no point was reserved at the trial so as to give you a right of appeal in the event of the rest of the court concurring with me in the direction I gave to the jury. But this is a matter of so much importance—I do not know whether I can pledge the whole court in this respect—but certainly it would be very much to be lamented, however unanimous this court might be, if we did not give you what we have the power of doing—an appeal to a superior court.

The attorney general. I understand you have no power by act of Parliament to give an appeal unless there be a difference of opinion among your lordships.

The lord chief baron. That is not so.

The attorney general said he had misunderstood his learned friend, Mr. Jones, on that point.

The lord chief baron. We have the power of granting an appeal, and I must say, as far as I am concerned—however unanimous and strong the court may be upon the point of law—if you wish an appeal you will certainly have my voice in favor of granting it.

Mr. Baron Bramwell. I understand the difficulty to be that the common law procedure act does not apply to a case of this kind.

The attorney general. Mr. Jones has carefully considered the matter, and he is strongly of opinion that the act does not meet the case.

Mr. Baron Bramwell. You are apprehensive that the lord chief baron will decline to sign the bill of exceptions in the form in which you have tendered it, and if you move for a new trial on the ground that he directed the jury wrongly, and he reports that he did not so direct them, of course we could not grant a rule for a new trial under those circumstances. That is the sort of difficulty in which you are placed.

The attorney general. We have merely in the bill of exceptions adopted the *litera scripta* which we have here. I am not aware that even a learned judge is able to interpret his own words, in an application for a new trial, in a sense different from that which they really mean.

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Mr. Baron Bramwell. We ought not to depart from the ordinary practice of taking the judge's interpretation of the words in which he directed the jury

The lord chief baron. I will read the short-hand writer's notes as to what I left to the jury. "The question is," I said, "was there any intention, in the port of Liverpool or any other port, that the ship should be, in the language of the act of Parliament, equipped, fitted out, or armed, with the object of taking part in any contest?" I also said, "If you think that the object was to equip, furnish, fit out, or arm that vessel at Liverpool, then there is sufficient matter for your consideration; but if you think the object really was to build a vessel in obedience to orders and in compliance with a contract, leaving it to those who bought it to make what use they thought fit of it, then it appears to me that the foreign enlistment act has not in any degree been broken. I leave you to find that by your verdict."

The attorney general said his lordship stated, at the conclusion of the trial, that he would not bind the attorney general to what passed on that occasion; that he could not alter the thing then, but that he had no doubt the learned gentleman had a very accurate note of what he had said. His lordship did not contradict the version which his learned friend gave at that time of his direction to the jury.

The lord chief baron. The question, however, now is, what course can we take consistent with the rules of the court? If you wish to move for a new trial on the ground that the jury ought not to have found the verdict they did, the court will entertain that application; but if you mean to reserve to yourself the power of making a motion for a new trial on a point of law, having tendered a bill of exceptions containing that or some other point, I do not think the court would consent to that course.

The attorney general. My application is now simply to have the time for moving for a new trial enlarged, so that both sides may agree as to what your lordships said to the jury as to the interpretation of the statute. We believe that the jury returned a verdict upon your lordship's interpretation of the statute.

The lord chief baron. Nothing of the kind occurred.

The attorney general. Then both sides are under a misapprehension, and it is their common wish to raise the point by a bill of exceptions if possible. We ask you to enlarge the time for moving beyond the four days; and if, in the mean time, we do not get your lordship's signature to the bill of exceptions, I will move for a new trial.

Mr. Baron Bramwell. We have no power under the act to allow more than four days, except by your making the motion for a new trial, and then adjourning it, but that would not answer your purpose.

The attorney general said this was the second day allowed for moving, and by the fourth they would consider whether the case could be brought under the common law procedure act.

It was then understood that the case should be mentioned again before the four days expired.

EXCHEQUER CHAMBER.—Nov. 3.

Sittings in error.

THE ALEXANDRA CASE.

The judges sat in the court of exchequer this morning for the purpose of appointing the days for sittings in error in the exchequer chamber.

Lord Chief Justice Erle said the court had appointed the following days: For errors from the Queen's bench, Thursday, the 26th, and Friday, the 27th November; for errors from the common pleas, Saturday, the 28th November, and Monday, the 30th; and for errors from the exchequer, Tuesday, 1st December, and Wednesday, 2d December. His lordship added, that with regard to the errors from the exchequer, the arrangement was conditional, and was subject to any alteration which might be necessary for the interests of public justice. There was one case (the case of the Alexandra) which he believed would probably go to the exchequer chamber, which was of very great public importance. If more time happened to be required for that case the court would be glad to give it, and also to make arrangements for having it heard before a full court.

The attorney general said it was the desire of both parties to take the case to the exchequer chamber, but as the lord chief baron has declined to sign a bill of exceptions raising the question involved in it, that might not happen.

Lord Chief Justice Erle. We, however, wish it to be understood that we reserve to ourselves the right to make any fresh arrangement.

Their lordships then rose.

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[From the Morning Post of November 5, 1863.]

COURT OF EXCHEQUER.—Nov. 4.

Sittings in Banco.—Before Lord Chief Baron Pollock, and Barons Bramwell, Channell, and Pigott.

THE ATTORNEY GENERAL *vs.* SILLIM.—THE CASE OF THE ALEXANDRA.

The attorney general (with whom was the solicitor general and Mr. T. Jones) said he attended their lordships this morning, in consequence of a suggestion thrown out by them yesterday, which had received the careful attention of the counsel for the crown. They found that it was in their lordships' power, if they thought fit to exercise it, by an act to be done this day, to so apply the common law procedure act as to give an appeal in a case of this description on the revenue side of the court. The 26th section of the Queen's remembrancer, act 22 and 23 Vic., said it should be lawful for the lord chief baron and two or more barons of the exchequer, from time to time, to make rules and orders as to process, practice, and pleading on the revenue side of the court, as might seem to them necessary, and also by such rules and orders to adopt any of the provisions of the common law procedure act, and any rules of pleading and practice on the plea side to the revenue side of the court, as might seem to them expedient for making the process, &c., on both sides, as nearly as might be, uniform. The learned counsel said he thought that their lordships could under that section make an order which would meet the present case.

The lord chief baron. Why cannot your motion be made to-morrow, or, indeed, at any time?

The attorney general said it occurred to him that it might possibly be too late to-morrow.

The lord chief baron. I am inclined to think that under that section the court could make such an order, as you suggest, at any time.

Mr. Baron Bramwell said the revenue rules made under the section in question were originally proposed in the Queen's remembrancer's office, and he had himself a good deal to do with them. The omission of the right of appeal in revenue cases was intentional on the part of those who prepared the rules, who thought it was not expedient to give such power. He was, however, not aware of the omission at the time, as his attention was not called to it, but he now thought that what was a good rule in an ordinary civil case must also be a good rule in cases on the revenue side of the court. If, however, they thought such a rule should be inserted, they should not adopt it without consideration and on the spur of the moment, lest in doing so they might reverse something which had been previously done by the court.

The attorney general said it had, of course, been his duty to consider whether any public inconvenience would arise in other cases by making such a rule, and his strong impression was that there was not, and that the rule was very desirable.

The lord chief baron. I quite agree with you, and on the present occasion I should be disposed to concur in any mode, short of a violation of principle, which would give effect to your desire for an appeal. I own, after the experience I have had in this court, that I see no reason why there should not be an appeal in a revenue case, as in other cases. At all events, there ought to be power in the court to grant an appeal if applied for, and they thought fit it should be given.

Mr. Baron Pigott entirely concurred in the view taken by his lordship, which he thought consonant with the spirit of modern legislation, which gave the petition of right and costs against the crown.

The lord chief baron said, as the court entirely concurred in the view of the learned counsel, he thought the better course would be for the court to adjourn earlier than usual, for the purpose of seeing whether the rule should be made As his learned brother said, the matter ought not to be decided in a hurry; and if the learned counsel attended to-morrow morning, they would tell him whether the alteration in the rules would be made. He presumed that if they granted the application, the attorney general would simply move for a new trial on all the grounds which might occur to him.

The attorney general. If your lordships make the rule proposed, no doubt I shall do so.

The lord chief baron. I think that would be the better course to adopt, because it will enable you to make every objection which can reasonably be urged to what passed at the trial, and to whatever it may be thought had misled the jury.

The attorney general. I am much obliged to your lordship.

The lord chief baron. Unfortunately I was in communication with the late attorney general alone on this subject, and with no other law officer of the crown; and if he had not resigned, I had some intention of suggesting to him the propriety of abandoning the bill of exceptions, and moving on any point which he thought presented a fair ground for a motion. Now that the impediment is likely to be removed, and a revenue case placed on the same footing as any

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other proceeding, undoubtedly a motion for a new trial would be far better than a bill of exceptions which covers various old technicalities, which under a better and more enlightened system may be got rid of.

The court then deferred their decision until to-morrow morning, when, if they made the alteration proposed, it was understood the attorney general would make a motion for a new trial raising all the points in the case.

IN RE ALFRED LEE, AN ATTORNEY.

When this case was called on—

Mr. J. A. Russel said he appeared on the part of the person who had obtained the rule, and he understood that no cause would be shown on the other side. He then asked the court to make the rule absolute, calling upon the attorney to answer the matters in the affidavit, and in default to issue an attachment, and to strike him off the rolls.

Rule absolute accordingly.

THE ALEXANDRA.

The learned barons retired from the court shortly before three o'clock, and after being absent a short time, again took their seats on the bench, when Mr. Walton, the senior master of the court and the Queen's remembrancer, read, by the direction of the chief baron, a new rule which they had framed under the 22d and 23d Vict., c. 21, sec. 26, extending the provisions of the common law procedure act to the revenue side of the court, so as to give an appeal in revenue cases. This will meet the case of the Alexandra, and enable the crown to obtain the appeal which the attorney general has sought.

[From the Morning Post of November 6, 1863.]

COURT OF EXCHEQUER.—Nov. 5.

Sittings in Banco.—Before Lord Chief Baron Pollock, and Barons Bramwell, Channell, and Pigott.

THE ATTORNEY GENERAL *vs.* SILLIM AND OTHERS.—THE SEIZURE OF THE ALEXANDRA.

At the sitting of the court this morning there was an unusually large attendance of the bar and of the public.

The attorney general said that in the case of the Alexandra, which was an information arising out of the seizure of the ship Alexandra on the 5th of April last, by the crown, for the violation of the foreign enlistment act, he had humbly to move their lordships for a rule to show cause why there should not be a new trial on the ground of misdirection by the learned judge, and also on the ground that the verdict was against the evidence.

Mr. Baron Bramwell. In order that there may be no mistake, let it be clearly understood that you move on the ground of the verdict being against the evidence and misdirection, and that the bill of exceptions is abandoned.

The attorney general. Yes.

Mr. Baron Bramwell. Let it be further understood that we must take my lord's report of his direction to the jury.

The attorney general. I understand that, my lord.

Mr. Baron Bramwell. And further, supposing that for any reason we, in our discretion, grant or refuse a rule, let it be understood that no appeal will lie from us under the rule we pronounced yesterday.

The attorney general. Unless your lordships think fit to grant one.

Mr. Baron Bramwell. Nay, there will be no appeal, except on a matter of law. If we should be of opinion that there was no misdirection, but, nevertheless, that the jury acted upon some wrong opinion, and we grant a new trial on that ground, it would not be competent for the defendants to appeal. On the other hand, if we should be of a different opinion and refuse a rule, and you desire to take the opinion of the exchequer chamber on the question, it would not be open to you to do so. I wish for my part, and I believe I express the feeling of the rest of the court, that these three matters should be clearly understood, viz: first, that the bill of exceptions was abandoned; secondly, that the court would take his lordship's report of his direction to the jury; and thirdly, that there would be no appeal from their decision by either side, except on a matter of law.

The attorney general said that when he spoke of misdirection he must be understood to include in that the omission to give a proper direction, and also giving a direction which might in one sense be justified, but had a tendency to mislead and might have misled the jury. The learned gentleman then stated that the information was filed by the crown on the 25th of May last, on the seizure of the vessel, which took place in the yard of Messrs. Miller & Son, shipbuilders at Liverpool. There were ninety-eight counts in the information, that number being rendered necessary by the rather complicated structure of the clause of the act of Parliament on which the information was founded. In substance, it charged the persons whom he would

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mention with various acts against a certain section of the foreign enlistment act. The persons charged in the record were these: the members of the firm of Miller & Sons, the builders of the vessel, and in whose yard she was when she was seized; the firm of Fawcett & Co., manufacturers of machinery at Liverpool, who came forward as the claimants of the vessel; the firm of Frazer, Trenholm & Co., who were proved to be the general agents for the business of the confederate States, at Liverpool; a person named Captain Bullock, the special agent for the business of those States; and a person named Tessier, who was also employed in that business. Those persons, together with others not known, were charged in every count of the information with different acts in violation of the foreign enlistment act. The separate counts were founded on the language of the seventh section, which was directed against the "equipping, furnishing, fitting out, or arming" of a ship or vessel, or attempting to do so, with the intent of employing such ship or vessel in the belligerent service of a foreign people or state against persons with whom her Majesty was not at war. The learned counsel then pointed out that the words "equipping," "furnishing," &c., were employed in the disjunctive sense, and observed that the crown did not charge "arming" in the information.

The lord chief baron said his impression was that arming was not charged, but he was not quite certain upon the point.

The attorney general said that "equipping," "furnishing," and "fitting out" were separately charged; and in like manner were separately charged the "attempting" and "endeavoring" to equip, furnish, and fit out, and the "procuring" and "knowingly aiding, assisting, or being concerned in the equipping, furnishing, or fitting out of a vessel," which were all distinct and separate offences under the statute. The learned counsel then said that when their lordships came to hear the summing up, he thought they would be of opinion that the jury had no opportunity whatever of giving a verdict on the effect of the evidence in reference to the view of the act which was taken by the crown. In fact, the case was left to them so as to preclude their judgment on the true question to be determined. The case divided itself substantially into two points—the equipping, furnishing, and fitted out; and secondly, the attempting to do so with the intent of employing the ship in the manner against which the act was directed; and upon both those points the evidence given on the part of the crown was wholly uncontradicted. The learned judge, in his direction to the jury, seemed to have overlooked the provisions as to attempting and endeavoring, and addressed himself to the complete equipment and fitting out in the sense which his lordship considered those words ought to bear. The seventh clause substantially divided itself into two points—the equipping, furnishing, fitting out or arming, and the attempting and endeavoring with intent, &c.; and upon both these points the material evidence at the trial was uncontradicted. He would first refer to the evidence as to the character and condition of the vessel, and the preparations and equipments on the 5th April, when she was seized The custom-house officer, Morgan, said she was incomplete, but had three masts up, with lightning conductors, as well as her machinery and other fittings on board. There was also evidence to prove that she was built as and for a gunboat; that she had bulwarks and a rudder adapted to and peculiarly fit for the purposes of war; that she was unfit for any mercantile purpose whatever; and that though she might possibly be used for a yacht, and had no fittings actually placed on board to enable her to receive guns, yet she could with the greatest facility be adapted to receive two or three pivot guns—the proper number—which would sweep over her bulwarks and make her serviceable as a gunboat. So much with respect to the character of the vessel. Then as to the fitting out, equipping, and furnishing, there was further evidence to show that the machinery, engine, and boiler, were either on board or in progress of being put, and that there were preparations for hammock nettings and guns and gun-carriages. Barnes, an engine driver in the employment of Messrs. Miller, said he had been concerned in the yard in building three gunboats—the Oreto, the Penguin, and the Steady—which were for the government. He also said he recollected the screw steamer Alexandra, and she was like the other gunboats, only smaller. Then there was Mr. Spears, foreman to the claimants of the vessel, who received orders to take the machinery to the gunboat. Black, a ship carpenter, and Green, a ship-builder, gave evidence showing that the bulwarks of the Alexandra were not those of a merchant vessel, on account of their extraordinary strength, and that they would be useless except for a ship-of-war. They further stated that she had pitch-pine decks, a wood which was chiefly used for war-vessels. Again, there was Captain Engledue, who said the Alexandra had only stowage room sufficient for her crew, supposing it to consist of thirty-two men; that she was not fit for mercantile purposes, and could be easily adapted to the uses of a war-vessel. That was the evidence as to the construction of the ship, and he would now turn to that part of the case which related to the fitting out, furnishing, and equipping, as distinct from the structure. He submitted that it was utterly unimportant whether those equipments were of a warlike character or not, and that if he proved she was intended for warlike purposes, any equipment whatever for such purposes was sufficient to constitute a violation of the statute. He thought that a great fallacy had run through the arguments, and that any kind or de-

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scription of fitting out or furnishing was against the statute, provided always the intent and purpose was proved. The learned counsel then read extracts from the evidence of different witnesses, with reference to the equipments, &c., which he contended were essentially of a warlike character, and to the cotemporaneous preparation under the superintendence of Messrs. Fawcett, the claimants of the vessel, of gun-carriages just of the kind which it would be natural and safe to place on board the ship. He next passed to the evidence as to the intent and purpose, and argued that the clause clearly and distinctly laid down that any species whatsoever of furnishing, fitting out, or equipping was against the act if it was with intent or in order that the ship should be employed in the belligerent service of a foreign people or state against persons with whom her Majesty was not at war. He then said it had been proved in a manner beyond the possibility of a doubt, and was wholly uncontradicted, that these things were done under the superintendence and with the interference of persons who were proved to have been the agents of the Confederate States for the purposes of their war service. There was Captain Bullock, who was specially sent to this country to organize the means of carrying on the war on the seas as servant and officer of the Confederate States; there was Mr. Hamilton, another servant and officer of those States, who was obviously employed for a like purpose; and there was the firm of Frazer, Trenholm & Co., who were named in the information as interfering with the construction of the ship by their agent, and at whose office was the seat of the agency of the Confederate States who conducted their pecuniary business, and through whom they ordered their paymaster to pay the persons who were employed on board the Alabama and the other war-ships which they had constructed in this country. Then there was the active superintendence of Captain Tessier over the work-people in both Miller's yard and Fawcett's works; and, in addition, the direct admission of Miller, the builder, that the vessel was being built for the Confederate States, under contract entered into with Frazer, Trenholm & Co., and was to be employed in the service of those States The learned counsel then referred to the evidence of Clarence Randolph Young, acting assistant paymaster of the Confederate States navy, who deposed that he made payments in Liverpool to persons in the service of those States; that he derived his authority from Captain Bullock, commander of the Confederate States navy; that he made requisitions to Captain Bullock for the amounts of money he required, and that the captain gave him orders upon Messrs. Fraser, Trenholm & Co., from whom he received checks. This witness was severely cross-examined, and it appeared that his morality was not quite unimpeachable, but his evidence was confirmed by documentary and other evidence, which could not be gainsaid It seemed that while at Liverpool he formed a connexion with and married a black woman, and afterwards deserted her under circumstances which could not be justified. This woman had a black boy, and the man Young, who said he was "raised" in Georgia, suggested that a little money might be made by selling the black boy, and that he might be sold. It was very far from his intention, as had been alleged by the lord chief baron of the late attorney general, to attempt to whitewash Clarence Randolph Young, but he spoke of his evidence as it bore upon the res gestæ of the case, and as it was corroborated by the litera scripta and the documentary evidence, to which no objection at the time was made. In England we were accustomed to liberty, and did not sell either white or black men, but the witness Young came from a country where that was common, and a man bred in an atmosphere of slavery, and engaged in the service of burning and destroying merchant vessels on the wide ocean, was not likely to feel as we did, or to be a man of very tender feelings. In the Confederate States this man would have been a perfectly good witness notwithstanding his black boy, for in that country they did not allow either a black boy or a black man or woman to enter the witness-box, whatever might be the extent of the evil complained of. All the remarks made about him were mere claptrap, and had no bearing on the question as to the agency of Bullock, which he was called solely to prove. The eloquent vituperation of Sir H. Cairns was, therefore, perfectly irrelevant and beside the mark, and did not tend to discredit the testimony of Young The learned counsel next examined the evidence of Chapman, who went to the office of Frazer, Trenholm & Co. under false colors, pretending to have southern sympathies, whereas he was in favor of the northern States—a course which he did not for a moment justify; but this witness, he said, proved certain transactions with Bullock and others which had not been disputed, and which proved that they were agents for the belligerent service of the Confederate States. After referring to other witnesses, he contended that, upon this uncontradicted state of things, unless explained by their having been improperly directed, the jury could not but find a verdict for the crown. When, however, he came to read the summing up, the matter was made perfectly plain, because the jury had no option but to find as they did, whereas the evidence clearly entitled the crown to a verdict. The learned counsel then dwelt upon the object and provisions of the foreign enlistment act and its application to the present case.

The lord chief baron said one of the objects of the act was to prevent any hostile vessel being fitted out so as to make a port of this country the point of discharge.

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The attorney general did not think that was the view of the lord chief baron, as shown by the short-hand writer's notes. His lordship seemed to imply that a vessel might be constructed in one yard for the federals, and another in a different yard for the confederates, and that as soon as they got out they might come in collision and endanger the public peace.

The lord chief baron. That might be one of the mischiefs which would arise.

The attorney general thought that such a thing never entered the mind of any human being.

The lord chief baron. It is not only not impossible, but it is a fact—it is true.

Mr. Baron Pigott. Did not this happen at Southampton, where a federal and confederate vessel met, and where one was detained by us for several hours to prevent it overtaking the other?

The attorney general said that occurrence had nothing to do with the foreign enlistment act. The statute aimed at prevention; its object was to stop these things in limine, and not to punish them when done; and therefore the act said that any attempt to do any of these things was a violation of its provisions. Unless their lordships sat there to make laws, they must say that any ships fitting out for warlike purposes, the intent being proved, came within the act. This was a case which the 7th section directly touched, and if it were ruled otherwise they might as well at once strike the act out of the statute-book.

At this stage of the proceedings their lordships adjourned; and upon their return,

The lord chief baron said the court had availed themselves of the adjournment to consider the matters which the attorney general had brought before them; and without in the least saying what the opinion of any member of the court was as to the ultimate fate of the rule, they all thought that what he had stated was unquestionably matter fit to be discussed. If the learned gentlemen were content, therefore, to take a rule to show cause why the verdict should not be set aside as contrary to evidence, or as not being warranted by the evidence, and on the ground of misdirection by the judge at the trial, or on the ground that though there might be no positive misdirection, there was a want of information furnished to the jury to enable them to discharge their duty fairly—if he were content to take a rule on those two grounds, dividing the second ground into positive misdirection or imperfect misdirection, he might take a rule to show cause at once.

The attorney general. I thank your lordship. That is what I have been asking your lordship for, and I have no more to say.

The lord chief baron. I may state that I took pains to lay down the law as I understood it to have been laid down by the highest possible authority in another place.

The attorney general. Any such authority is incapable of vindicating himself here.

The lord chief baron. I thought I was remarkably safe in taking that course, but I may have been mistaken.

Rule nisi granted.

[From the Globe and Traveller (London) of November 4, 1863.]

Whatever may be the upshot of the questions arising under the foreign enlistment act, there is one thing that all must desire. We mean a full and solemn interpretation by the highest judicial authorities of the real intent and effective operation of the statute. Is it or is it not a dead letter? Can any one, either for the sake of profit, or for the gratification of personal sympathies, or with a view of bringing about a state of ill-feeling, if not war, between this country and another, drive a coach and six through this unlucky act of Parliament every month in the year, and every day in the week? For many years it has been supposed that there was a statute in existence which would enable the government to prevent private persons from thwarting state policy. It now appears that great doubts are entertained on this head. Attempts, some of them successful, have been made to evade the act. Doubts are thrown on the powers of the government, and while no one alleges any moral doubt respecting the actual evasion of the statute, many set up legal doubts. Under these circumstances it is of the highest moment that the questions raised and the full scope of the act should be determined by the highest available judicial tribunal. As the matters in dispute are pending, we wish to express no opinion whatever on the merits of the particular questions at issue in a particular case. But we do feel that, for the sake of the national welfare, no mere technical obstacles of any sort should be allowed to obstruct a final and complete examination of the whole law. We ought to know how far the law officers of the crown can rely on the means placed by the legislature at their disposal to give effect to the intention with which those means were sanctioned—namely, the preservation in the hands of the government of the direction of the national policy.

As regards the point raised yesterday before the court of exchequer, we, in common with everybody else, did understand that the lord chief baron had set forth in his charge to the jury that arming, equipping, furnishing, fitting out, were the mere verbiage of an act of Parliament, and that, in his opinion, these terms did all mean the same thing, namely,

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arming. The counsel for the crown so understood him. It is assumed that the jury so understood him They and we and all the world, it seems, were in error. He tells us he did not say so, or imply so. We are, as Mr. Justice Bramwell reminds us, bound to take the judge's interpretation of the words in which he directed the jury. We do so; but it is the most remarkable misapprehension on the part of all those who heard and read those words that we remember ever to have met with. And here we must regret that the usual practice of framing and tendering a bill of exceptions before the jury gave their verdict was not followed. At the end of the trial, and before the verdict, the counsel for the crown expressed a wish to offer exceptions to the ruling of the lord chief baron. They were told by him that it was not necessary to stand upon the usual forms, and they did not stand upon them, especially as the lord chief baron said, "I will accept any bill of exceptions you may choose to tender." But when the bill was drawn up, the lord chief baron objected that it did not correctly set forth the nature of his ruling. Now, had exception been taken at the time; had the common opinion respecting the drift and bearing of that ruling been distinctly expounded, the error into which it seems we all fell—counsel, jury, public—could have been there and then dispelled by a simple restatement by the judge of what he did mean to say and did say. It was even stated yesterday that the version which the then attorney general had given at the time of the lord chief baron's ruling was not contradicted The answer was—the question is, what course can now be taken consistent with the views of the court? This shows that an error was committed in not fixing at once the impression made by the language of the lord chief baron. But the state of the matter, as disclosed by the proceedings of yesterday, is an additional reason why some unquestionable decision should be obtained on this momentous point.

For our part, we do not pretend to lay down the law. Whatever the law is, let us know it; and if it be found incompatible with the object for which it was devised, then we can say whether we will be content with an useless statute, whether we will have any statute at all, or whether we will have an efficient one.

It has been asked why, when guns and ammunition and small arms can be supplied by a neutral to a belligerent, "why object to ships?" It may be difficult to set forth convincing reasons why ships should be stopped and arms and shells allowed to go free. But to us there seems to be one plain reason. If you export to the ports of a belligerent any quantity of destructive arms and missiles, no one can furnish proof that they have been used with effect against the other belligerent. But if you export a ship, the doings of that ship can be tracked over the sea by the fire she leaves behind, or by the prizes she brings into port. You cannot charge an Armstrong gun with killing and slaying, and identify the gun with damage and slaughter. You can charge a ship with capturing prizes from a friendly power, and prove the charge. There is an identity about a ship which there is not about a gun. But we may be asked, if a fighting machine, like a ship, may be exported to strike at a friendly power, why not a battalion, or a battery, or a regiment of horse? A ship, even without guns, is equivalent to a trained battalion without arms, or a body of artillerymen without guns, or a trained regiment of horsemen without horses. It is obviously within the power of the crown to say with whom it will and with whom it will not make war; and every act which tends to weaken that power and thwart the intention of the crown is an act which, on the assumption that we are to have a government at all, the crown should have power to prevent. We believe the sensible men of all parties take this view, and will not sanction any proceedings which restrict the power of the crown in so important a matter of state policy, or which tend to injure the maritime power of England.

Mr. Seward to Mr. Adams.

No. 756.] DEPARTMENT OF STATE,
Washington, November 9, 1863.

SIR: The illness of a member of my family, at Auburn, withdrew me from this city from the 2d until the 9th of November. The acknowledgments by the out-going mail of communications received during that interval must necessarily be imperfect.

Your despatch of the 23d of October (No. 523) has been received.

I have read the speeches of British statesmen to which you refer, and also some extraordinary speculations in a portion of the British press commonly supposed to be in the confidence of the government. It is perceived that, as

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the political season in London approaches, the old habit of speculating concerning our affairs, and foreign action upon them, is resumed in political circles. On the other hand, the President, upon the developments of the now closing year, has assumed that her Majesty's government are willing and desirous to remain in relations of amity and friendship with the United States. We shall persevere in the course we have hitherto pursued of cultivating the friendship we so consistently cherish, unless we shall be obliged to change it by one of two events, neither of which we expect to happen: namely, first, that new hostile naval expeditions come out from British ports to make war upon us on the high seas, or in our ports; second, that Great Britain shall cease to recognize the sovereignty of the United States as it is now recognized. If neither of these events shall happen, we shall not only be content to leave to such British statesmen as choose to exercise it the indulgence of hostile declamation against our country, but we shall try, as we are now doing, to counteract here the resulting effects of such illiberal demonstrations. It would be a common misfortune, however, of the two countries, if this policy should be misunderstood in England, so as to induce a belief that the United States are disposed now to submit to what they have heretofore declared would be intolerable injuries on the part of any foreign power.

The progress of military operations in the several departments is, on the whole, not unsatisfactory. The elections for the year have closed with manifestations of confidence in the government, contrasting strongly with the despondency and distraction which attended the last meeting of Congress. Only one question seemingly agitated the public mind: namely, the principles in regard to slavery on which the federal authority shall be restored in the insurgent region. I have already told you that, in the President's opinion, this question is as yet premature, because, as yet, neither of the insurgent States is actually asking restoration. I have now to add, that, according to present indications, the question, when it shall arise, is likely to be attended with much less difficulty than is now generally apprehended. It is, perhaps, the most gratifying result of the war for the Union that, wherever its flag advances, convictions of the importance of emancipation meet it. No desire for the restoration or the preservation of slavery is manifested by the citizens who adhere or reaccede to the Union. On the other hand, the friends of the Union in the insurrectionary States manifest an unequivocal determination, even before reorganizing the State governments, to suppress slavery as an institution now proven to be economically useless and politically dangerous and revolutionary. We are, therefore, likely to find no slavery to contend with, when the war for the Union has come to an end. On the whole, we can now contrast our prospects with those of Europe without dissatisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 533.] LEGATION OF THE UNITED STATES,
London, November 12, 1863.

SIR: I have to acknowledge the reception of despatches numbered from 738 to 746, inclusive, and of two notes of the 26th of October, one marked private, and the other confidential.

Some of these treat of subjects the condition of which has been essentially

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modified by events which have happened on this side since the date of your writing. I refer more particularly to Nos. 739, 740 and 743. The note of Lord Russell to me of the 29th ultimo, transmitted with my despatch No. 530, of last week, implies an intention to make explanations through Lord Lyons in regard to the transactions at Cape Town, which must have the effect of retaining the discussion of them altogether in your own hands. I shall so regard the matter until further advice. I propose, however, to send to him a copy of the journal of the officer of the Alabama, which I have caused to be reprinted from the *South African Advertiser and Mail*, of Cape Town, in a form for circulation among leading persons here. A number of these will be transmitted to you in the bag that carries this despatch.

* * * * * * * * *

On the whole, my impression is that matters just now stand pretty well here. A report of a speech of Mr. Villiers will be sent to you by the present steamer. He is the brother of Lord Clarendon, and one of the liberal members of the cabinet. His disposition has always been understood to be friendly.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[*From the Daily News (London) of November* 10, 1863.]

Lord Palmerston, who on rising was received with loud and protracted cheering, said: My lord mayor, ladies and gentlemen, for myself and my colleagues I beg to return most sincere thanks to you, my lord mayor, for the manner in which you have been kind enough to propose, and to you, ladies and gentlemen, for the manner in which you have been good enough to receive the toast. Those who are charged with the conduct of the affairs of this country must always feel the highest gratification in being permitted to be present at the splendid hospitalities of this great city of London. (Cheers.) And not only do we receive personal gratification, but we feel that, on these occasions, what takes place cements that union between the different classes of the community which is so important to the interest of the whole. It is well that those who are engaged in carrying on those commercial transactions on which the wealth, the strength, and the happiness of this great country depend, should mix from time to time with those who, as responsible advisers of the crown, are engaged in conducting the political affairs of the country. I do not mean to say that on these occasions, when we meet at the festive board, matters of importance are discussed, for we are too much occupied in enjoying the festivity and hospitality which surround us for that; but acquaintances are formed on those occasions which ripen afterwards into friendships. It is well known that the transactions of business are made much easier when those who meet to carry them on know and like each other; and therefore I say that these meetings are of great political importance in bringing together those who are connected with the commerce of the country and those who are responsible for its political government. (Hear, hear.) There have been occasions when it has been the lot of those who have had to explain the state of political affairs to congratulate you upon the tranquil state of the civilized world. I am afraid I cannot do that on the present occasion; for although I trust that there is nothing in the horizon which can grow into a cloud of war, yet we see on all sides—in the far west and in the distant east—struggles going on of the most lamentable character, and scenes enacted which make us shudder for humanity and feel a deep compassion for the countries in which those events are taking place. (Hear, hear.) In the far west we see a nation of the same race and the same language, and the same religion and the same manners, and the same literature as ourselves, split into two, slaughtering each other by hundreds of thousands, and carrying on a contest the result of which it is impossible to foresee, and the end of which now, after more than two years' duration, he would be a bold man indeed who said he could predict. (Hear, hear.) Lamenting that state of things, the government of this country have felt it their duty not to yield either to the entreaties or the objurations of one party or the other. (Cheers.) Blandishments on the one side, and threats on the other, have been equally fruitless to direct our course. (Cheers.) We have felt it our duty to abstain from taking any part in that lamentable contest. If, indeed, we had thought it was in our power to put an end to it by friendly intervention, no efforts would have been wanting to accomplish so holy an end—(hear, hear)—but we felt that

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interference would be vain, and we deemed it our duty—and in that respect I am sure we followed the wishes of the country—to maintain a strict and impartial neutrality. (Loud cheers.) In the distant east, events which are also of a lamentable character are taking place. We there see on the one side a barbarous system of deliberate extermination carried on, and on the other side revenge venting itself in murder and assassination. We endeavored to enlist the opinions and the feelings of civilized Europe in joint remonstrances, and so far we succeeded; but those remonstrances have failed. We have done our duty, and we can only hope that those who have the conduct of affairs in the Russian empire may, at length, cease to pursue that course which has thrown upon them the condemnation of Europe, and that peace may be restored upon terms of equity and justice to an unfortunate country. (Cheers.) Well, my lord, although abroad things look ill, and much misery and calamity are sustained, yet, as you have just observed, this country forms a happy exception to that which seems to be the prevailing condition of nations. (Hear, hear.) We have been blessed by Providence with an abundant harvest; we have been preserved by the government and the good sense of the country from the calamities of war; our population are contented and loyal, feeling that for a long course of years the legislature of the country has been occupied in remedying grievances, in removing defects in our laws, and in casting away those obstructions which the less enlightened policy of former times had thrown in the way of the productive industry of the country; and I am happy to say that I believe the commercial and material prosperity of the country is brighter now than it has been at any former period. Those who know the course of the commerce of the world will tell you that year by year this great city of London is growing more and more the centre of the commercial transactions of other states; that bills are drawn upon London to pay debts all over the world, and that commodities destined for other countries are sent here for deposit—a tribute paid by the people of other nations to the industry, the good management, the integrity, and the high honor of the commercial community of this land. My lord, I congratulate you on this happy state of things, and I trust that the people of England will feel that they are greatly indebted for it to the reign of that beneficent sovereign under whose mild and enlightened rule they have the happiness and good fortune to live. My lord, I beg again, on behalf of my colleagues and myself, to return you our most sincere thanks, and to assure you that we derive high gratification from being allowed to be present at your festive board on this occasion. (Loud cheers)

[*From the Daily News (London) of November* 11, 1863.]

THE RIGHT HONORABLE C. P. VILLIERS, M. P., ON THE POLICY OF THE GOVERNMENT.

On Monday night Mr. Villiers and Mr. Weguelin addressed their constituents at a dinner given at Wolverhampton to the retiring mayor, Mr. H. H. Fowler.

Mr. Villiers, in responding to the toast of her Majesty's ministers, said it was not for a cabinet minister to be less sensible of the good opinion of his fellow-men than any one else should be. On the contrary, there was great reason why he should be more so; for if he had to state the result of his own experience in that position, it would be that, looking at the trouble it entailed and the responsibility which it involved, no reward would be sufficient compensation but that which resulted from hoping that he had deserved and would receive the gratitude and good opinion of the country. (Hear, hear.) Every man in this country had not only the power but also the inclination to form and to express his opinion of public matters, but it was very difficult to obtain a general agreement upon politics, and still more difficult to secure a union of opinion with respect to any particular government. And when the merits of the ministry could be alluded to and received so favorably in a promiscuous assembly, like the one he was then addressing, it was highly satisfactory to the members of that ministry, and he could not but say that it was peculiarly gratifying to himself. He was told that all politics were abjured from such assemblies as the one in which he was then taking part, and he should, therefore, not think of adverting to any topic that would provoke question or dissent. But he hoped he might express his satisfaction at the friendly tone in which he had observed persons deservedly held in estimation in the country, but of opposite politics to the government, refer on frequent occasions to the present administration. (Hear, hear.) At meetings composed of persons of an entirely opposite party to the ministers there had been marked manifestation of feeling against doing anything to displace the present government, or rather men of such large experience in public affairs as were Lord Palmerston and Lord Russell—(cheers)—or men of the very great talent of Mr. Gladstone. (Loud cheers.) When such testimony in favor of a government was borne by persons who did not agree with the politics of the government, he hoped that he might infer that there was something in the policy of the present administration which was not distasteful to the country, but that it had been with something like public spirit that they

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had discharged the duties of their office. (Hear, hear.) Great events of national importance had transpired during the last four years, and the government had been required to decide upon them with promptitude. It was possible to refer to some consequences following the acts of the present administration that might account for the state of public opinion in regard to that administration. Peace had been maintained when the honor of the British flag had been brought in question and our great maritime rights had been disputed by the Americans; but these the ministry had vindicated with spirit and success. (Cheers.) There had been the most strict observance of the pledge of neutrality. (Hear, hear.) Duties counted by millions of pounds sterling, and restrictive of trade, had been removed and the revenue unimpaired at a time when the country had been suffering from the shock to trade which immediately followed upon the breaking out of the painful conflict which still raged on the continent of America. These facts might account, not for political contentment, but for the political calm which prevailed throughout the country; and this state of things might account for the opinion of many, that now would not be the happiest moment to disturb the peaceful pursuits of men by exciting the feelings which an angry political contention was sure to provoke. (Hear, hear.) Other circumstances there might be which would tend to account for the prevailing wide contentment, and chief among them was the recent bountiful harvest—the most bountiful that the oldest person living could recollect. Cheap and abundant food had been the result of that harvest. (Hear, hear.) Now, supposing that the crisis in the cotton trade had occurred at a time when the people were dependent for their supply of food, as they were for their supply of cotton, upon one source—supposing that such a restrictive policy as once prevailed relative to the supply of food had been in operation at the close of the three very bad harvests by which the last very bountiful one was preceded, and that at such a time the calamity of a cotton dearth had befallen the country, any man might easily conclude what, in such a state of things, would have been the condition of Great Britain. (Hear, hear.) It was fortunate that a timely wisdom induced Parliament to rely on the resources of the whole world before the period came when, but for that wisdom, a double misfortune would have befallen the nation. (Cheers.) The present state of this country was a fair subject of gratulation, not only on account of the great prosperity which the people now enjoyed, but also on account of the general soundness of their opinions and sentiments. (Hear, hear.) He believed that there had been no time in the history of the United Kingdom when the opinion of the people was sounder than it was at the present period. There never was a time when Englishmen were more sensitive of the honor of the country or more ready to defend its honor, or at which they clung more tenaciously to the institutions of the country. (Cheers.) There never was a time when there was a more evident desire for the moral elevation of the humbler classes—(hear, hear)—and he would say that although they were living in times when they more than ever deprecated the calamity of war, and were more than ever in love with peace, there never was a time, should any sad exigency require it, when the country was better prepared to defend its shores and to resist its enemies in any part of the world. (Loud cheers.) And he would say, further, that there never was at any time more satisfaction than at present with the constitution, never more satisfaction with a liberal constitution and government, which those who enjoyed it conceived to be suitable to most civilized nations, and especially to those of Europe; and never were the people of this country more sympathetic with the nations who were struggling to follow our example. (Cheers.) But never was the conviction more profound in the minds of the people, that it was not in the province of this country to interfere in such struggles. (Hear, hear.) The principle of non-intervention was a principle which had sunk deeply into the minds of Englishmen. All history and all recent experience showed them that interference in the internal affairs of other countries was provocative of more disappointment and more disapprobation than any other course of procedure. (Cheers.) Whenever the time arrived for such a sketch to be written of the conduct of the present government, as they sometimes saw in print the morning after the decease of distinguished persons who had occupied public positions, nothing would be remarked upon with more satisfaction than the circumstance that the government had offered continued resistance to the carrying into effect of an opposite principle to that of non-intervention—had, in fact, resolutely maintained the observance of that principle. (Cheers.) Non-intervention was nothing but the practical observance of the sound views which all sensible people entertained in private life, namely, that one neighbor should not meddle in the affairs of another. (Hear, hear.) He only wished that this forbearance could be fully carried through, and that they could be very careful of their criticism—(hear, hear)—that nations would be more careful of saying respecting one another anything which would be likely to provoke hostile feelings. Severe measure had been meted out to the Americans in their misfortunes. He had heard the bitterest remarks made against the President of the Union for endeavoring to maintain the Union, and also against the southern States for their attempting to retain possession of their "property." During the first ten years that he was in Parliament a question was

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being discussed which excited great interest. That question was a repeal of the Union. Those persons who advocated it stood in the same relation to this country as the southerners now stood to the north. He never saw one English member who was not ready to oppose it, and who was not prepared to admit that he should be guilty of treason if he voted for it. (Cheers.) So (continued Mr. Villiers) in the ten years before I entered Parliament, I heard language with respect to Lord Brougham and other philanthropic advocates of negro emancipation, as violent and as reproachful as, for the same reason, the confederates now address to the federals. We should have been indignant had any foreign country interfered with us upon either of these occasions, or if they had addressed to us the language that is used towards the Americans at the present day. We were allowed to settle those matters as we thought best, and we have been satisfied with the mode in which they were settled. (Hear.) I think the Americans ought to be allowed to settle their own affairs without more interference, and we must trust to their speedily coming to a conclusion that will be just. (Cheers.)

Mr. Wegnelin said it had been a common complaint that the discussions of the House of Commons had been fruitless of results—that politics had become languid and the members flaccid—(a laugh)—that, content with the leadership of one great man, they had shunned their responsibility, and were content to look on from a siding at the express train of affairs which ran by them. (Laughter.) But though there had been an absence of party spirit, that state of things was to be attributed to other causes. General questions had of late years been settled by the triumph of those principles which had established civil and religious liberty, had extended self-government, and placed it on a wider basis, and had regulated trade, currency, and finance. (Hear, hear.) But if party spirit had been dead in late years, they should all rejoice that the spirit of trade was reviving. (Hear, hear.) He believed that the prevailing prosperity was sound, but they would let him, as an old merchant, address to them a few words of warning, because there were a few indications that the prosperity in which they were rejoicing might be based on even much sounder foundations than that upon which it now rested. He referred to the sudden drain of bullion, and the consequent rise in the rate of interest. He thought it was not wise to neglect these indications. It might be that, after a time, owing to the measures taken by the Bank of England, the drain of bullion would cease, and the coin which had been issued for the internal wants of the country return; but as far as his experience went, a drain of bullion and a rise in the rate of interest were indicative of something unsound in the state of trade or credit. It was therefore desirable that not only individuals, but especially banking corporations, should take the earliest possible opportunity of checking any undue extension of credit. (Hear) When they considered that the Bank of England reserve, which now amounted to not more than six or seven millions, was practically the only unemployed capital of the country, and that it was the only source by which a balance of trade could be secured, they would see that there was good reason why they should be careful not to give stimulus to other than necessary transactions. He made these observations, not because he thought that a monetary crisis was at hand, but because they might tend to those healthy restrictions which, if generally observed, would go far to ward off misfortunes of a serious nature, and place trade on a wholesome and permanent footing. He concluded by acknowledging the toast of the members of the borough.

Mr. Adams to Mr. Seward.

No. 534.] LEGATION OF THE UNITED STATES,
London, November 13, 1863.

SIR: In regard to the subject referred to in your several despatches received this week, numbers 741, 742, I have nothing further to report, excepting the reception of a note from Lord Russell, of the 10th instant, in acknowledgment of mine of the 31st ultimo, a copy of which accompanied my No. 530, sent to you last week. A copy of his reply is herewith transmitted.

My attention has been already called to the existence of the joint application of the British and French authorities to the United States, alluded to in the copy of your despatch to Mr. Dayton, which accompanied your No. 741, and to the possibility of making use of it in the present emergency. The difficulty is, that the answer is too obvious. The request was to refuse to receive privateers. The two governments affect to consider the vessels now complained of as war ships, commissioned by a belligerent power. Not to receive them would in-

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volve the necessity of refusing to receive those of the United States, or else of appearing to depart from the declared neutrality.

The original error, committed in a hasty and unqualified recognition of the rebels as a belligerent, is what vitiates all the later policy of both these powers, and entangles Great Britain more especially in the difficulties growing out of the necessity to recognize these vessels, equipped and manned in her own ports, in defiance of her own laws, as the navy of a foreign power.

There has been little done in the Alexandra case this week beyond the assignment of Tuesday next, in the court of exchequer, as the time to hear the law officers of the crown on the motion for a new trial.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

FOREIGN OFFICE, *November* 10, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo, enclosing further papers respecting the proceedings of the Alabama and the Florida.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr Adams to Mr. Seward.

No. 535.] LEGATION OF THE UNITED STATES,
London, November 13, 1863.

SIR: Under the directions contained in your despatch No. 704, of the 9th of September last, I addressed a note to Lord Russell on the 30th of that month. His reply, dated the 10th instant, has been received this week. Copies of both papers are herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 30, 1863.

MY LORD: I am directed by my government to submit to your consideration the copy of an extract of a despatch addressed to the Secretary of State by the minister resident of the United States at Japan. Should it be deemed expedient by her Majesty's government to have recourse to any of the measures suggested in it, I am instructed to say that the United States would cheerfully

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direct Mr. Pruyn to labor on their part for their adoption in the interest of all the western powers.

I pray your lordship to accept, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c.

[Extract from Mr. Pruyn's No. 45, to Mr. Seward.]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 10, 1863.

SIR: Her Majesty's government have attentively considered the matter referred to in your letter of the 30th of September, and they request that you will have the goodness to express to the government of the United States their acknowledgment for the friendly offer conveyed in your letter to instruct the United States minister in Japan to co-operate with the representatives of other powers, with a view of making such a communication to the government of Japan as was indicated in the letters addressed by Mr. Seward to Lord Lyons on the 14th and 20th of May, 1861, and also of carrying out the other measures which Mr. Pruyn, in his letter of the 27th of June last, appears to consider essential for the improvement of the position of foreigners in Japan.

Her Majesty's government, however, looking to the uncertain state in which matters at present appear to be in Japan, think it better to wait till the further progress of events shall show more clearly the line of policy which will be most conducive to the relations of peace and the development of commerce with Japan.

It would appear from the correspondence of the minister of the Prince of Satsuma with Colonel Neale, recently published in the London Gazette, that the power and right of making treaties is acknowledged by that powerful daimio to reside in the Tycoon.

But I need scarcely assure you that her Majesty's government set great value on the co-operation of the United States minister in Japan with the representatives of her Majesty and of other European powers, in their endeavors to place affairs in that country on a footing generally advantageous to all foreign nations having intercourse with us.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 536.] LEGATION OF THE UNITED STATES,
London, November 13, 1863.

SIR: The effect of the late speech of the French Emperor to the French chambers, and with the letters with which he has followed it up, addressed to the different powers of Europe, has been to concentrate the attention of the various countries upon the project of a convention, which he proposes should be held at Paris. Opinions of the effect of this movement widely vary. Whilst in some quarters it is construed as likely to terminate in a war, in others it is hailed as a symptom of coming tranquillity. In London the proposal was received at first with marked disapprobation. A cabinet meeting was called to

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consider it on Tuesday, and it continued in session until Wednesday. It is understood that the reply agreed upon does not absolutely decline to take a part, but it proposes preliminary inquiries as to the object and extent of the subjects to be considered before positively consenting.

* * * * * * * *

In the meanwhile the effect of this movement has been greatly to concentrate the attention of all nations on this side of the ocean upon the difficulties existing in Europe, and to a corresponding degree to divert it from affairs in the United States. The Emperor's notice of these is brief and purely formal. In England the determination to keep entirely aloof gains ground daily. Whatever sympathy there may have been heretofore for the rebels as the weaker party is diminishing under the effects of their own late proceedings. Any further military successes on our part would turn the scale decidedly, and leave them to their fate, without a sigh of regret. The only mode now resorted to in counteraction of this tendency is the exposition of our own shortcomings. The most serious shock to confidence in our military operations is given in the frequency of the change in the great commands, indicating a serious deficiency in the capacity of our officers to conduct a war on the present scale. Much use is made of this argument at the present time.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 759.] DEPARTMENT OF STATE,
Washington, November 14, 1863.

SIR: The French government has for some time past expressed a desire for the exportation of the tobacco belonging to it in this country, the most, if not the whole, of which is understood to be at Richmond. Before the request could be granted, it was deemed advisable to ascertain whether the British government would object to the proceeding. That government having signified its assent thereto, the executive order, a copy of which is enclosed, has been issued. You will notice that the order has been so formed as to extend to tobacco belonging to any foreign government which may have been bought and paid for prior to the 4th of March, 1861. Besides France, it is supposed that Austria, and perhaps other German states, may have tobacco at Richmond, which the order may release. It is proper that the British government should be apprised of the proceeding in such way as you may deem advisable.

I am, &c., &c.,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 760.] DEPARTMENT OF STATE,
Washington, November 14, 1863.

SIR: The European mails have not arrived, and they are not expected to arrive before the closing of my despatches for the next steamer.

No striking incident has occurred to change the military situation. Judging upon what is officially received, as well as the public information, the armies of

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the government are holding their advanced positions firmly, and they are beginning to be felt severely by the insurgents.

On the 11th instant Lord Lyons communicated to me information he had just received from his excellency the governor general of Canada, to the effect that there was reason to believe in the existence of a plot, gotten up in that province by emigrant insurgents from the United States, to invade the northern frontier; set at liberty the insurgent prisoners now in confinement at Johnson's island, on Lake Erie, near Sandusky; burn Buffalo and other cities on the shores of the lakes. It was supposed that these crimes were to be effected by means of the purchase and arming of steamers in the Canadian ports. This information, which was very gratefully acknowledged, borrows a show of authenticity from revealings which have occasionally reached this government. The proper departments promptly adopted measures which, it is believed, are sufficient to defeat the criminal enterprise. After making due explanations to Lord Lyons, I have, by the President's direction, requested Preston King, esq., of Ogdensburg, on the shore of Lake Erie, to proceed at once to Quebec, to inform the governor general of the preparations which have been made by this government, and to confer freely with him upon the subject, with a view to conform all our proceedings to the treaty regulations existing between the two countries, and to the comity which is due to Great Britain. It seems proper that you should make these proceedings known to Earl Russell, with expressions of the satisfaction with which the President regards what has been so promptly and liberally done by the governor general of Canada and by Lord Lyons.

It is thought here that the occasion is a fitting one for asking Earl Russell to consider the incidents I have related in connexion with the occurrences which have taken place within the proper British realm, threatening invasion or aggression directly from the ports of Liverpool and Glasgow. Do not these incidents show the expediency, not to say the necessity, for some amendments of the laws of the two nations, so as to secure the practice of neutrality in the spirit of comity and friendship? Have we adequate security that hostile expeditions will not yet issue from British ports? If such expeditions should come from domestic British ports, the same condition of national relations will certainly encourage the fitting out of such expeditions in British colonial ports on our frontier and elsewhere. Could we possibly avoid conflicts between the two countries, if British shores or provinces should, through any misunderstanding, be suffered to become bases for naval and military operations against the United States?

Moreover, the principles which shall regulate the maritime conduct of neutral states hereafter are quite likely to be settled by the precedents which arise during our present civil war. Great Britain, as we think, must ultimately be as deeply concerned as we are in preserving in the greatest vigor the cordial principle of non-intervention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 761.] DEPARTMENT OF STATE,
Washington, November 16, 1863.

SIR: I enclose a copy of executive document No. 103, 1st session 33d Congress, which contains the correspondence between Mr. Marcy and the ministers of Great Britain and France here, at the opening of the Crimean war. Your attention is particularly invited to that part of the correspondence which relates

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to the expectations of those governments in regard to the equipment of privateers in this country.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 762.] DEPARTMENT OF STATE,
Washington, November 17, 1863.

SIR: Your despatch of October 29 (No. 526) has been received. I thank you for the newspaper debates which you have furnished me on the subject of the armed naval expeditions prepared in British ports.

I think you have rightly derived the existing embarrassments of the British government in regard to our affairs from the one cause—the error of investing the insurgents with a belligerent character.

The latest incidents disclose that the insurgents, so long tolerated and practically cherished within the realm, have at last, by natural consequence, had the hardihood to organize in the British provinces, adjacent to our ports, with design for a border campaign. It seems surprising that they have not earlier made this attempt. The Canadian authorities, desirous of peace and beneficial commerce with us, have not been slow to discover the duties devolved upon them by comity and international law, and they have acted promptly and effectively in fulfilling those obligations. Her Majesty's government cannot fail, I think, to approve of this course, because it is conservative of their trans-Atlantic empire. It seems to me, also, that they cannot easily undervalue the good faith and candor of this government in its proceedings in regard to this new class of embarrassments. It is certain that in such attempts as the insurgents are so audaciously making in Canada, we might look for occasions of offence, if we were disposed to be aggressive or unfriendly to Great Britain. We shall probably pass through the present difficulties easily, but other plots will follow. Certainly the insurgents are inventive, bold, and enterprising. Their schemes are suggestive. They have failed because of deficiency of material power and moral strength in the insurrection itself. They are disturbers of the peace at home, and nothing more here. They are disturbers of the peace of Europe, and can be nothing more there. Slaveholders, seeking to subvert justice and establish slavery, they have not even strength enough to destroy the Union. How idle are all the European policies which assume that such architects can build and maintain states! When shall we see the governments of Great Britain and France apprehending this truth? What new and unnecessary complications are we to go through before they discover and act upon it?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 537.] LEGATION OF THE UNITED STATES,
London, November 19, 1863.

SIR: Despatches from the department, numbered from 747 to 752, inclusive, have been received at this legation.

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The events of the week have been of more than usual interest. The rather sudden demise of the King of Denmark has added one more to the already grave complications of European politics, as a question of disputed succession comes in to aggravate the old differences between Germany and Denmark, respecting the relation of Schleswig and Holstein. In the mean time the responses to the invitation of the Emperor of France come in slowly, and with hesitation about conditions not altogether welcome. The uneasiness as to the future has increased, until, in some of the great commercial points on the continent, it has reached a state of panic. Most of the trading houses are busy in contracting their operations in anticipation of a rupture in the spring. The drain of the precious metals eastward has now continued so long as to call for a rapid advance of the rate of interest in all the markets of Europe, without, as yet, producing a sensible check. The evidences of restlessness, and of the sense of insecurity, multiply. The conviction is strong that things will not remain much longer as they are now, though no one pretends to foresee the precise form of trouble that may ensue. Even the proposed Congress, should it finally be assembled, is viewed as far more likely to terminate in a rupture than in a pacification and general disarmament.

In the same degree that the public mind of Europe becomes absorbed in these domestic speculations, will the struggle in the United States decline in interest. The cotton question has been so far disposed of as to render the possibility of the reopening of the American supply a matter of quite as much danger to existing interests as of possible benefit. I think I perceive a gradual, but steady, relaxation of the policy of settled hostility to the United States, which was adopted here soon after the commencement of the war. I am growing very hopeful that the way is opening to the maintenance of peace between the two countries throughout the period of our great trials: indeed, with any average amount of further success in the field, I should venture to say it was tolerably secure.

I shall make the pending proceedings in the Court of Exchequer, on the motion for a new trial in the case of the Alexandra, the subject of a separate despatch at the latest moment before the closing of the bag. Meanwhile I beg to call your attention to a very fair pamphlet on the Enlistment Act, by Mr. F. W. Gibbs, just published, a copy of which I transmit herewith.

I have the honor to be, sir, your most obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 539.] LEGATION OF THE UNITED STATES,
London, November 19, 1863.

SIR: Having received copies of some depositions Mr. Underwood, the consul at Glasgow, had caused to be prepared and sent in to the collector of this port, touching the construction and outfit of the steamer Canton, *alias* the Pampero, I concluded to transmit them to Lord Russell, together with a note. Copies of this note, of the other papers, and of his lordship's acknowledgment, are herewith transmitted. There is increasing difficulty in obtaining evidence of intent since the animus of the government has become the source of greater apprehension.

I have the honor to be your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 14, 1863.

MY LORD: I have the honor to submit to your consideration copies of a number of additional depositions taken before the collector at Glasgow, all going to corroborate the evidence already presented, touching the outfit and preparation of the steamer Canton, *alias* Pampero, for objects similar to those now prosecuted by the Japan, *alias* the Georgia, issued from the same port.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Deposition of W. L. Underwood.

I, Warner Lewis Underwood, of No. 5 Newton Terrace, Sanchiehall street, in the city of Glasgow, in the county of Lanark, make oath and say, that I am consul of the United States of America for the port of Glasgow and its dependencies; that I have now resided in Glasgow in discharge of the duties of the said consulate for upwards of one year; that shortly after my arrival here, my attention was called to the fact that there was being built in the ship-yard of Messrs. James and George Thompson, of Glasgow, a vessel-of-war, for the use of the so-called Confederate States, then in rebellion against the United States of America, known as the Ram, and now in process of construction and unlaunched in the yard of the said James and George Thompson, being a formidable iron-clad vessel-of-war; that some months ago I learned that a further vessel was in course of construction by the said James and George Thompson, and the said last-mentioned vessel has been recently launched from the ship-yard of the said James and George Thompson, and is now lying in the river Clyde, at or near to the foot of Finnestin street, Broomidan; that my attention was further directed to the construction of such vessels-of-war, and to the object of their construction, by a perusal of the intercepted correspondence between the agents of the confederates in America and those in Europe, which is more particularly referred to in the accompanying affidavit of Mr. Thomas Haines Dudley, to which reference is here made, and which is adopted and made part of this affidavit, a copy of said correspondence having been sent to me by the United States Secretary of State; that before being launched, the said last-mentioned vessel had gilded on her stern the words "Canton, London;" that on the day she was launched the word "Canton" had disappeared, and the word "Pampero" was gilded where it had been, and also was seen on a flag which floated from one of her masts; that I was present on the immediate opposite side of the Clyde at the time of the launch, the river being there, in my judgment and opinion, about two hundred yards wide; that I was in full view of the ship, and, besides, had a strong glass with which to aid my vision; that there were not a great many persons present, but I had pointed out to me, by a gentleman who knew them, Messrs. James Galbraith and Robert Henderson, known members of the firm of Patrick Henderson & Co., and recognized agents in Glasgow of W. S. Linsay & Co., of London; that these two gentlemen, in company with one or two others whom I did not know, immediately prior to the launch of said ship, took an active and conspicuous part in looking after the preparations of the launch, giving, apparently, directions concerning it; that on the day after the launch, the following notice of it was published in the same words in the *Journal*, *Mail*, and *Herald*, newspapers published in Glasgow:

"Messrs. James and George Thompson launched, yesterday, from their building yard at Goran, a screw steamer of about 1,000 tons register. This vessel has been constructed for London owners, and as she took the water, was named the 'Pampero,' by Mrs. Galbraith. After the launch, the friends of the owners and builders present adjourned to the model room, when the usual good wishes, on such occasions, were expressed and responded to."

That prior to the launch of said ship, I had frequently seen her, and I state that she was at first constructed with eight port-holes, plainly to be seen; that a short time, say a week or ten days, before she was launched, those port-holes were carefully closed, and effaced by putty and paint, or other material, so that no trace could be seen of them, except that the

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hinges of their doors were visible; that I have the following distinct items of information touching said vessel, which I fully and sincerely believe to be true, most of which can be verified and established by an inspection of the vessel, to wit:

1. That in addition to the port-holes above spoken of and referred to, she was at first constructed with eye or ring bolts, corresponding with said port-holes, suited for and intended to handle guns; that these eye-bolts, with one or two exceptions, have been removed, and the places where they were have been disguised by facings on the bulwarks, and the eye-bolts stowed away to be inserted hereafter.

2. That she had magazines constructed; these have been attempted to be concealed and disguised under the appearance of water-tanks.

3. That she has one hundred and fifty lockers, and sixteen mess-racks, or more, for eight men each.

4. That she has about fifteen holes or apertures in the bottom, duly secured by valves and stop-cocks, for the rapid introduction of water into her hold, with an appropriate number of pumps to pump it out again as required.

5. That her machinery and boilers are those of a war vessel, all under the water-line, and thus out of reach of an enemy's shot, whilst at the same time they occupy much of the space appropriated to cargo in a merchant vessel.

6. That the form, material, and arrangements of her propeller indicate that she is a vessel-of-war.

7. That her bulwarks are about seven feet high, so as to conceal her crew from the sight of an opposing vessel, and to afford them protection.

8. That on her cut-water or bow, immediately under the bowsprit, is painted or gilded a miniature figure, about a foot high, of the goddess of liberty, with a staff in her hand, on which is surmounted a liberty cap, and what is intended, I believe, the palmetto plant, is springing up around her feet. I further state that I have been informed, and verily believe, that the contract with the Messrs. Thompson for the building of said ship Pampero was and is entered into with a certain party acting as the agents of the so-called Confederate States of America; that Captain Sinclair, mentioned in the exhibit (D) to Mr. Dudley's affidavit, together with Messrs. Tennent and North, officers of the confederate navy, have been spending most of this year, and perhaps a part of last, in Glasgow and its vicinity, and, according to my information and belief, giving necessary oversight and attention to the construction of said vessel and the ram first mentioned; that from the foregoing facts, and the affidavits of Thomas Haines Dudley, John Latham, Archibald McClellan, and William Dryer, and facts which have come to my knowledge in a confidential manner, and which I am not now at liberty to use, I am satisfied, and fully believe, said vessel Pampero is a war vessel, built and intended for the so-called Confederate States in America, to commit acts of hostility and make war upon the government and people of the United States.

W. L. UNDERWOOD.

Sworn before me at the custom-house in Glasgow, on the 18th day of November, 1863.

FRED. W. TREVOR, *Collector.*

Deposition of Thomas H. Dudley.

I, Thomas Haines Dudley, of No. 3 Wellesley Terrace, Prince's Park, Liverpool, in the county of Lancaster, esquire, do solemnly, sincerely, and truly affirm and declare that the taking of an oath is contrary to my conscientious scruples, and I do also solemnly, sincerely, and truly affirm and declare as follows: That I am the consul of the United States of America for the port of Liverpool and its dependencies; that soon after the publication hereinafter referred to I received information from the government of the United States that certain correspondence between the government of the so-called Confederate States of America and their agents to their representatives and agents in Europe had been intercepted, and that the same was then in the hands of the government of the United States of America; that soon after I had received the above information I received from the State Department of the United States a copy of the Daily National Intelligencer, published at Washington, on Saturday, the 17th day of January, 1863, containing the publication of said intercepted correspondence; that I now refer to the said copy of the said newspaper, which is annexed and signed by me as relative hereto, and particularly to certain portions of said correspondence and memorandum therein published, consisting: 1. Of duplicate letter from Mr. Mallory to Mr. Mason, dated October 26, 1862. 2. Letter from George N. Sanders to Reed Sanders, dated August 5, 1862. 3. Unsigned letter or memorandum, (without date,) addressed to the Hon. S. R. Mallory, secretary of the navy.

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4. Memorandum following the last mentioned unsigned letter or memorandum, without date or address. 5. Letter from Mr. S. R. Mallory, secretary of the navy, to the Hon. C. G. Memminger, secretary of the treasury, dated October 27, 1862. 6. Letter from Mr. Memminger to Mr. Mallory, dated October 30, 1862. 7. Letter from Mr. Mallory to Mr. Mason, dated October 30, 1862; which said letters and memoranda are marked A, B, C, D, E, F, and G, respectively, on said copy of newspaper, and initialled by me as relative thereto; that since the publication in the newspaper above mentioned of the said intercepted correspondence, I have received from the State Department the original manuscripts from which the aforesaid publication was made, and I have the said original manuscripts in my possession at Liverpool, and am prepared to produce them when required by the proper authorities; that I understand and believe the house of Galbraith & Co., referred to in memorandum D, before mentioned, is the same house as Messrs. Patrick Henderson & Company, of Glasgow, of which firm Mr. James Galbraith is, I believe, one of the partners.

THOMAS H. DUDLEY.

Affirmed at the custom-house, Glasgow, the 10th day of November, 1863.

FRED. W. TREVOR, *Collector.*

Deposition of John Latham.

I, John Latham, of No. 8 Douglas street, in the city of Glasgow, and county of Lanark, make oath and say: That I am an engineer, and have served as engineer of steamers for the last eight years; that I have served on board of war-ships for five years, and for about five months I served as fireman on board of the Alabama; that I have also served in the merchant service for about four years; that I have seen the vessel called the Pampero, which has been recently launched from the ship-building yard of Messrs. James and George Thompson, of Glasgow; that I was on board of her before she was launched; that nine port-holes were pierced on each side of said ship, and one of these port-holes on each side appeared to be intended as a gangway; that before said ship was launched the said port-holes, with the exception of one on each side, were closed with movable shutters, and these movable shutters were secured by rivets on the inside, and I saw the joints or seams where the shutters met filled up with red lead putty and painted over, and nothing is now visible of the aforesaid port-holes but the hinges of the said movable shutters; that I observed rings or eye-bolts on the side of the said ship on each side of each of the said port-holes; that I afterwards saw some of these rings or eye-bolts removed, and the sides of the ship are now cased over, and the places intended for fastening on these rings or eye-bolts are not now visible; that I have always seen similar rings or eye-bolts in the men-of-war in which I have served, and they are used for the purpose of securing the guns and of moving them backwards and forwards; that in the merchant vessels in which I have sailed, I never saw such rings or eye-bolts as I have described, and there is no use for them in merchant vessels; that the name Canton, London, was at first gilded upon the stern of the said ship, but that before the said ship was launched that name was changed to Pampero; that I believe the said ship was known and designated in the yard of Messrs. James and George Thompson as the frigate, and on one occasion when I was in the yard, I asked for one Charles Gibson, who had been in the employment of Messrs. Thompson, and I was informed by one of the engineers working in the yard that he did not know the man, but that if I went over to the frigate (pointing to the said vessel now called the Pampero) I would likely find him there; that the bulwarks of said ship are between seven and eight feet in height; that I have seen the boilers and engines of said vessel; that the boilers are four in number, and are flat in construction; that the engines are horizontal, and the whole, both boilers and engines, are under the water-line; that the construction of the boilers is such as to take up a deal of carrying space, which would not suit a merchant vessel; that in order to save space, a merchant ship would likely have two boilers in place of four, and such boilers could be made of the same extent of the Pampero, by being constructed, as is usual in merchant ships, above the water-line; that the said ship appears to be about two hundred and fifty feet in length, and between forty and fifty in beam; that from the whole construction and build of the said ship, I consider and declare that the said ship is intended and adapted for warlike purposes, and not for mercantile service.

JOHN LATHAM.

Sworn before me at the custom-house in Glasgow, this 10th day of November, 1863.

FRED. W. TREVOR, *Collector.*

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Deposition of William Dayer.

I, William Dayer, ship-joiner, of No. 29 Salisbury street, in the city of Glasgow, and county of Lanark, make oath and say: That I am presently in the employment of Messrs. James and George Thompson, ship-builders in Glasgow, and have been in their employment for the last three weeks; that a vessel has been recently launched from the ship-building yard of Messrs. James and George Thompson called the Pampero; that previous to being launched the name Canton, London, was gilded on said ship's stern, and the day before the said ship was launched her name was changed to Pampero; that I have been many times on board of said vessel, while in course of construction; that the said vessel has eight port-holes, besides one large one on each side; that the large one might serve as a gangway; that these port-holes were seen open by me, but that they were afterwards closed, and still remain closed; that the port-holes have been closed up by the movable shutters being secured on the inside by bolts, and the joints or seams closed up, and nothing is now visible of the port-holes save the hinges; that rings or eye-bolts were fitted on the deck of said ship on each side of each of the port-holes; that the object of these rings or eye-bolts appeared to be to fasten guns, and serve as a means of moving them backwards and forwards; that seven of these rings or eye-bolts on each side were removed before the launch, and the places where they were filled up have been lined up; that the ring or eye-bolts opposite one port-hole on each side of the vessel of the bows still remain; that the bulwarks of said vessel are about seven feet in height; that there are about fifteen stop-cocks and valves on the bottom of the said ship, with grating on the outside; that some of these are very close to one another; that the number of the stop-cocks and valves is more than are required for the purposes of the engines, and for ordinary ship purposes, and I believe that the extra number have been fitted with a view to adapt the said ship to warlike purposes, and among others to drown the magazine in case of need; that a magazine was fitted in the after part of the said ship, and consisted of four compartments, with a hole on the top of each large enough to admit a man, and there is a hatch on each hole; that I was informed by a carpenter who was working on board of the said ship, and about the said compartments, that these compartments formed the magazine, and I believe that they were adapted for that purpose; that there were about one hundred and fifty lockers fitted up in said ship along the side in the forecastle between decks; that these were all taken down, marked and numbered, and packed away before the said vessel was launched; that sixteen mess-racks have been made for the use of said vessel, and more are to be made, and that each of said mess-racks contains places for dishes for eight men; that from the number of lockers and mess-racks thus constructed for said ship, taken in connexion with other circumstances, I am of the opinion, and believe, that the said ship is not intended or built for mercantile service; that I cannot state with accuracy the measurements of said vessel, but I think her length is about two hundred feet, or upwards, and her water-mark about fifteen feet at the bow, and sixteen feet at the stern; that I cannot state the breadth of her beam, but she is of very fine proportions, and I believe her tonnage to be about one thousand tons, builder's measurement; that the general belief among the workmen in the yard is that the said vessel is built as a vessel-of-war for the Confederate States of America, and since I have commenced to work in the yard of the said James and George Thompson, such has been the universal reputation as to said ship among my fellow-workmen; that among us she generally went by the name of "another Alabama," "another 290," and such like names.

WILLIAM DAYER.

Sworn before me at the custom-house in Glasgow, this 10th day of November, 1863.
FREDERICK W. TREVOR, *Collector.*

Deposition of William Cook.

I, William Cook, of No. 1, Clermont street, in the city of Glasgow, and county of Lanark, make oath and say: That I am a ship broker and commission merchant in Glasgow; that I was present at the launch of the ship called the Pampero, on the 29th of October, 1863, from the ship-yard of Messrs. James and George Thompson, ship-builders, Glasgow; that I am acquainted with Messrs. Robert Henderson and James Galbraith, ship brokers in Glasgow, and partners of the firm of Patrick Henderson & Co., merchants in Glasgow; that the said firm of Patrick Henderson & Co. are reputed to act as agents in Glasgow of the firm of W. S. Lindsay & Co., of London; that on the aforesaid occasion of the launch of the said ship Pampero, I saw the said Robert Henderson and a person believed by me to

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be James Galbraith present, and apparently acting as if interested therein; that I afterwards noticed in the reports which appeared in the Glasgow newspapers of the following day, that the said ship Pampero had been christened by Mrs. Galbraith; that I particularly observed the said ship when being launched, and having been for many years a master in the merchant service, I am able to judge of the appearance and build of said ship; that from the general appearance and build of said ship, as so seen and observed by me, I declare that she appeared to me to be a vessel intended for war, and not for mercantile service; that her appearance impressed me with the belief that she was adapted for war purposes, and not for mercantile service.

WILLIAM COOK.

Sworn before me at the custom-house in Glasgow, this 10th day of November, 1863.
FREDERICK W. TREVOR, *Collector.*

Deposition of Archibald McLellan.

I, Archibald McLellan, joiner, of No. 45, Eglinton street, in the city of Glasgow and county of Lanark, make oath and say:

That I have been employed in ship-building yards as a joiner for the last nine years; that I was informed about five months ago, by James Henning, joiner, in the employment of Messrs. James and George Thompson, that they were building a ram and a privateer in the yard of Messrs. James and George Thompson, for the Confederate States of America; that we had been conversing about the screw steamer Georgia, which had about that time sailed from the Clyde, as a privateer, and in the course of our conversation the said James Henning volunteered the above information regarding the ram and the privateer; that about three weeks ago I casually met one Kinlock, a carpenter, in the employment of the said James and George Thompson, and in the course of conversation he stated that he was engaged fitting up magazines on board of the new vessel built by the said James and George Thompson called the Pampero, and he said he was fitting them up as water tanks; that the said Kinlock further stated that the vessel had been fitted up with messrooms for a large crew, and that these had been taken down and marked, with a view to be put up again; that I have frequently seen the said ship Pampero while in the course of construction, and about seven weeks ago I saw her lying in the yard of the said James and George Thompson, and I observed that there were eight port-holes pierced in the side of the said ship which was towards me, three of which port-holes were larger than the other five, and might be used as well for gangways as for the sweep of pivot-guns; that the said port-holes were then open; that since the said ship was launched, I have seen her on frequent occasions, and I then observed that the port-holes above mentioned, with one or two exceptions, have been closed up, and nothing is visible of these port-holes but the hinges; that on one occasion, in the course of last week, I was on board of said ship, as she lay in the river Clyde, and I observed four eye-bolts opposite certain of the port-holes, which I saw were intended for securing guns; that on frequent occasions, besides those above referred to, I have heard from various persons in the employment of the said James and George Thompson that the said ship Pampero was being built for the Confederate States of America, and the said ship had the universal reputation among these persons of being a vessel-of-war or privateer for the Confederate States; that the construction of said ship is, in my opinion, in accordance with that reputation, and in the course of my experience I have not seen a vessel built for the merchant service of similar construction as the said ship Pampero, and I believe that the said ship Pampero is built for warlike purposes, and not for the merchant service.

ARCHIBALD McLELLAN.

Sworn before me at the custom-house in Glasgow, this 10th day of November, 1863.
FREDERICK W. TREVOR, *Collector.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 16, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, enclosing further papers respecting the Canton, and I have to state to

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you that I have lost no time in forwarding copies of the same to the proper department of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 540.] LEGATION OF THE UNITED STATES,
London, November 19, 1863.

SIR: I transmitted a copy of the pamphlet mentioned in my despatch of last week, No. 533, of 12th November, to Lord Russell, with a note, calling his attention to the fact that the author is a British subject, who was enlisted in England in an unlawful enterprise. His lordship has acknowledged the reception of both. Copies of the notes are herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 14, 1863.

MY LORD: I have the honor to transmit a printed copy of the private journal of an officer of the steamer Alabama, which seems to have been furnished by the author for publication in the *South African Advertiser and Mail*, at Cape Town, in which newspaper it first appeared on the 19th of September last. The author appears to be Mr. G. T. Fullam, a British subject, belonging to Hull. I beg permission to call your lordship's attention to the remarkable manner in which the narrative corroborates the essential portions of the deposition of C. R. Yonge, heretofore submitted to your consideration, some attempts to invalidate which were made in the course of the trial of the Alexandra. It likewise confirms, in almost every particular, the correctness of the representations which I had the honor to furnish from the consul of the United States at Liverpool, of the mode in which the gunboat "290" was originally equipped, fitted out and armed from that port.

I likewise pray your lordship's attention to the abuse shown to be continually made of the national character of this vessel, in the fraudulent assumption of the flag or of the name of any other nation, at pleasure, whilst on the high seas. I need scarcely say, that such a license to cover piratical depredations has only been obtained for her by the recognition given to the parties in America, authorizing it, as a belligerent, abiding by the established rules of legitimate warfare.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your obedient servant,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

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FOREIGN OFFICE, *November* 16, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, and its enclosure, respecting the proceedings of the "Alabama."

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 542.] LEGATION OF THE UNITED STATES,
London, November 20, 1863.

SIR: Thus far the progress made in the case of the Alexandra has been slow. The lawyers engaged in the defence have consumed all the time down to a late hour yesterday, when the attorney general commenced an argument in favor of his motion. I transmit herewith copies of the London Times, containing a report of the trial so far as it has gone. It is evidently much abbreviated, but it will suffice to give you an idea of the character of the proceedings.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosed.]

The *Times* of the 18th, 19th, and 20th November, 1863.

THE ALEXANDRA CASE.

Court of Exchequer, November 17.

Sittings in Banco, at Westminster. Before the Lord Chief Baron, Mr. Baron Bramwell, Mr. Baron Channell, and Mr. Baron Pigott.

THE ATTORNEY GENERAL *vs.* SILLEM AND OTHERS, CLAIMING THE ALEXANDRA.

Before going into the arguments of to-day, it will be necessary, perhaps, to call to the recollection of our readers the facts of this case, as well as the nature of the proceedings instituted by the crown against the defendants. In the year 1819 an act, familiarly known as the foreign enlistment act, was passed, and the present, we believe, is the first case which has been brought to trial in a court at Westminster Hall under it, although similar proceedings have been commenced from time to time, but never brought to an issue. The act is to prevent the enlistment or engagement of his Majesty's subjects to serve in foreign service, and the fitting out or equipping in his Majesty's dominions vessels for warlike purposes without his Majesty's license. The seventh section of the foreign enlistment act, 59 George III, cap 69, enacts that if any person within any part of the United Kingdom, or in any part of his Majesty's dominions beyond the seas, shall, without the leave and license of his Majesty for that purpose first had and obtained, equip, furnish, fit out, or arm, or attempt or endeavor to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any ship or vessel, with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, or potentate, or of any foreign colony, province, or part of any province or people, or any person or persons exercising, or assuming to exercise, any power of govern-

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ment in or over any foreign state, colony, province, or part of any province or people, as a transport or storeship, or with intent to cruise or commit hostilities against any prince, state, or potentate, or against the subjects or citizens of any prince, state, or potentate, or against the persons exercising, or assuming to exercise, the powers of government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province, or part of any province or country, with whom his Majesty shall not then be at war, or shall within the United Kingdom, or any of his Majesty's dominions, or in any settlement, colony, territory, island, or place belonging or subject to his Majesty, issue or deliver any commission for any ship or vessel to the intent that such ship or vessel shall be employed as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the court in which such offender shall be convicted, and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of any such ship or vessel, shall be forfeited; and it shall be lawful for any officer of his Majesty's customs or excise, or any officer of his Majesty's navy who is by law empowered to make seizures for any forfeiture incurred under any of the laws of customs or excise, or the laws of trade or navigation, to seize such ships and vessels aforesaid, and in such places and in such manner in which the officers of his Majesty's customs or excise and the officers of his Majesty's navy are empowered respectively to make seizures under the laws of customs or excise, or under the laws of trade and navigation; and that every such ship and vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of such ship or vessel, may be prosecuted and condemned in the like manner, and in such courts as ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenues of customs and excise, or of the laws of trade and navigation.

This section is almost a counterpart of the American enlistment act, passed in Congress in the year 1818, and which was a re-enactment of their act of 1794. Nearly all the expressions employed in the American act, it will be seen, have been pulled bodily into the British act. The screw steamer Alexandra was built at Liverpool, by Messrs. Miller & Sons, ship-builders, and after being launched was taken into the Toxteth dock for the purpose of being fitted. She is strongly built of teak wood, her gross tonnage being about 153 tons by the new mode of admeasurement, and her registered tonnage 83 tons. Her masts were put into her, the rigging commenced, and the boiler as well as her screw on board, when, owing to some information with which the government had been privately furnished from time to time, Mr. Edward Morgan, the surveyor of customs at Liverpool, who had watched the building of the ship from the beginning, seized her on behalf of the crown. The attorney general filed an information claiming the forfeiture of the ship, founded on the above section of the foreign enlistment act, against William Cowley Miller, Thomas Miller, Charles Kuhn Prioleau, James Thomas Welsman, Eugene Tessier, James Bullock, Mathew Butcher, Hermann James Sillem, Henry Berthon Preston, Jacob Willink, and David Wilson Thomas. The information contains ninety-eight counts. The first count charged that the above persons, with others unknown, before the making of the seizure, without any leave or license of her Majesty for that purpose, did equip the ship with intent that such ship should be employed in the service of certain foreign states styling themselves the Confederate States of America, with intent to cruise and commit hostilities against a certain foreign state with which her Majesty was not then at war, viz., the republic of the United States of America, contrary to the statute, whereby the vessel, together with the tackle, apparel, and furniture, became and was forfeited. The second count charged that the same persons, with others unknown, &c., did equip the vessel with intent that she should be employed in the service of certain foreign states styling themselves the Confederate States of America, with intent to commit hostilities against the citizens of the republic of the United States of America, contrary to the statute, whereby the ship, together with the tackle, apparel, and furniture, became and was forfeited. The third count charged that the same persons, with others unknown, &c., did equip the said ship with intent to cruise and commit hostilities against a state with which her Majesty was not then at war—to wit, the republic of the United States of America—contrary to the statute, whereby the ship, &c., became forfeited. The fourth count charged that the same persons, with others, &c., did equip the ship with intent to cruise and commit hostilities against citizens of the United States of America, with whom and with which, respectively, her Majesty was not then at war, contrary to the statute, &c. The fifth count charged that the same persons, &c., did equip the ship with intent that the ship should be employed in the service of persons exercising the powers of government in and over certain foreign states styling themselves the Confederate States of America, with intent to cruise and commit hostilities against a certain foreign state, &c, to wit, the republic of the United States of America, contrary

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to the statute, whereby, &c The sixth count charged that the same persons, with others, did equip the ship with intent that she should be employed by the Confederate States of America, with intent to cruise and commit hostilities against citizens of the republic of the United States of America, contrary to the statute, whereby, &c. The seventh count charged that the same persons, with others, &c., did equip the ship with intent that she should be employed by persons exercising the powers of government over certain foreign people—to wit, part of the people of the United States of America, with intent to commit hostilities against, &c.—to wit, the republic of the United States of America, contrary to the statute, whereby, &c. The eighth count charged that the same persons, with others, &c., did equip the ship with intent that she should be employed in the service of persons exercising the powers of government over part of a certain foreign people—to wit, part of the people of the United States of America, with intent to cruise and commit hostilities against citizens of a certain foreign state, &c.—to wit, the citizens of the republic of the United States of America, contrary to the statute, whereby, &c. The ninth to the sixteenth count is the same as the first, substituting "did furnish" for "did equip." The seventeenth to the twenty-fourth, the same as the first count, substituting "did fit out" for "did equip." The twenty-fifth to the thirty-second, the same as the first count, substituting "did attempt and endeavor to equip" for "did equip." The thirty-third to the fortieth, the same as the first count, substituting "did attempt and endeavor to furnish" for "did equip." The forty-first to the forty-eighth, the same as the first count, substituting "did attempt and endeavor to fit out" for "did equip" The forty-ninth to the fifty-sixth, the same as the first count, substituting "did procure to be equipped" for "did equip." The fifty-seventh to the sixty-fourth, the same as the first count, substituting "did procure to be furnished" for "did equip." The sixty-fifth to the seventy-second, the same as the first count, substituting "did procure to be fitted out" for "did equip." The seventy-third to the eightieth, the same as the first count, substituting "did knowingly aid, assist, and be concerned in equipping," for "did equip." The eighty-first to the eighty-eighth, the same as the first count, substituting "did knowingly aid, assist, and be concerned in furnishing," for "did equip." The eighty-ninth to the ninety-sixth, the same as the first, substituting "did knowingly aid, assist, and be concerned in fitting out," for "did equip." The ninety-seventh charged that the persons before mentioned, with others, &c., without leave or license, &c., did attempt to fit out the said ship with intent that she should be employed in the service of persons exercising the powers of government over part of a certain foreign people—to wit, part of the people of the United States of America, as a transport or storeship, against a certain foreign state with which her Majesty, &c.—to wit, the republic of the United States of America, contrary to the statute, whereby the ship, together with her tackle, apparel, and furniture, became and was forfeited. The ninety-eighth count charged that the same persons, with others, &c., did equip, furnish, and fit out, and did attempt and endeavor to equip, furnish, and fit out, and did procure to be equipped, furnished, and fitted out, and did knowingly assist and be concerned in the equipping, furnishing, and fitting out of the ship, with intent that she should be employed in the service of certain foreign states styling themselves the Confederate States of America, and in the service of many persons exer-cising and assuming to exercise the powers of government in and over certain foreign states styling themselves the Confederate States of America, and in the service of many persons exercising and assuming to exercise powers of government over part of a certain foreign people—to wit, part of the people of the United States of America, as a transport or storeship, against and with intent to cruise and commence hostilities against a certain foreign state with which her Majesty was not then at war—to wit, the republic of the United States of America, and against citizens of the republic of the United State of America, contrary to the form of the statute, whereby, &c.; and the attorney general, on behalf of her Majesty, prayed the consideration of the court in the premises that the ship, together with her furniture, tackle, and apparel, might for the respective reasons aforesaid be forfeited.

To this information (which is certainly as long as it could by any possibility have been, to be intelligible) Hermann James Sillem, Henry Berthon Preston, Jacob Willink, David Wilson Thomas, and William Thompson Mann, who claimed the Alexandra, as well as her tackle, &c., by Edward Lee Rowcliffe, their attorney, pleaded that the said ship, furniture, tackle, and apparel did not, nor did any or either of them, or any part thereof, become, nor are nor is the same or any of them, or any part thereof, forfeited for the several supposed causes in the information mentioned, or for any or either of them, in manner and form as by the information was charged. The information, it will be seen, charges that the Alexandra was fitted out or equipped with intent to be employed to harass and to be hostile to the government and citizens of a state with which the crown was not at war, and that the vessel was intended to be employed in the

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service of the Confederate or Southern States of America. The persons whose names appear in the plea constitute the well-known firm at Liverpool of Fawcett, Preston & Co., iron founders, by whom it was alleged the Alexandra was supplied with engines, guns, and other materials. From the evidence at the trial it appeared that the Alexandra was one of three vessels built by Messrs. Miller & Son, two of which (the gunboats Penguin and Steady) were built for the British government; and the crown sought to establish, by the evidence of many witnesses, that the Alexandra was also a gunboat, and had been built for the Confederate States for the purposes alleged above. During the time the Alexandra was on the stocks, as well as subsequently to her launch, Captain Bullock and Captain Tessier, both of whom, it was said, were in the naval service of the Confederate States, and acting as their agents at the port of Liverpool, interested themselves very much in the building and fitting out of the ship. Captain Bullock appointed a person named Yonge as paymaster, who swore that it was his duty to make payments to naval officers and others on behalf of the Confederate States, and that he received a regular formal appointment from Captain Bullock as assistant paymaster, and drew upon Messrs. Frazer, Trenholm & Co., who honored his drafts, for the money for the payments he had to make. In order to show the capacity in which Captain Bullock and Captain Tessier had been acting, it was stated that when No. 290, afterwards known as the Alabama, left Liverpool, she left without an armament, and that the Bahama, under the command of Captain Tessier, with Captain Semmes on board, the world-known commander of the Alabama, as well as Captain Bullock, followed her out to sea, and the guns and ammunition on board the Bahama were there transferred to the Alabama, when Captain Semmes took command of her, hoisted the flag of the Confederate States, and she became from that moment a vessel-of-war, carrying a formidable armament of guns, manufactured by Fawcett, Preston & Co., with the name of the firm branded upon them. The crown attached much importance to the interference and control during the construction of the Alexandra by Captain Bullock and Captain Tessier, as well as other persons connected with them, as it tended to show, it was alleged, the connexion between those persons and the confederate government of the southern States. With a view of establishing the character of the build of the Alexandra, among other persons, Captain Inglefield, of her Majesty's ship Majestic, was called by the crown, and stated that he had examined the Alexandra as she lay in the Toxteth dock, and found her to be a strongly-built vessel, mostly constructed of teak wood, fitted for a yacht, certainly not intended for mercantile purposes, but might be used for, and was easily convertible into, a man-of-war. There was stowage room for a crew of thirty-two men and accommodation for officers. She was of sufficient length to receive guns, but had no appurtenances which would indicate that guns were about to be put on board of her. There was an absence of ring-bolts and plates upon which pivot guns would turn, but there would have been no difficulty, in his judgment, in adding the preparations that were necessary. Her bulwarks were not similar to those of gunboats in the British service. It is unnecessary to follow the evidence given by the crown step by step; neither is it important to give any details of the cross-examination of all the witnesses by the counsel for the defendants. The witnesses, who bore the fire of a very sharp attack made by Sir Hugh Cairns and Mr. Karslake, Q. C., were Yonge and Chapman, the former having left, to use a mild term, the confederate service by dropping overboard one night, and the latter, who, under the pretence of being a secessionist, had wormed himself into the confidence of many of those against whom the crown were complaining, and then came forward to betray their secrets. For the defendants no witnesses were called, and Sir Hugh Cairns, in a very eloquent and masterly address to the jury, said that it had been admitted that the defendants were the *bona fide* owners of the ship when the seizure was made, and that she was lying at the time in a public dock, without the slightest effort at concealment, and that the crown had been urged on to adopt the proceedings against the defendants by the agents of the United States government at Liverpool, who were always on the alert, and thought they had a right to complain and call upon the crown to put the foreign enlistment act into force. The foreign enlistment act, said Sir Hugh, never was intended to interfere with or to impair *bona fide* commerce in any way. The intention of the act was to prevent warlike expeditions leaving the ports of this country at a time when the country was neuter, in issuing from the ports of the country in a shape and form in which they could do injury to either belligerent, and thereby enable one or other of the belligerents to come to the government of this country and say, "Look at your port of Plymouth; there sailed out of that port on a certain day a ship fully armed, ready to capture any ship she might meet with. Your ports are being used as places of safety and shelter; armed vessels can sail out, or transports or storeships can sail out, prepared to do all the mischief in war which a transport or storeship or an armed vessel can do." The belligerent government would say, "Observe the consequences: we cannot pursue these vessels into your port; we cannot go into your ports to take out a privateer; and yet you allow a privateer to go armed from your ports at the same time that we cannot enter your ports to destroy that vessel." That was a clear principle, if that were the principle which was proceeded on. The foreign enlistment act, continued Sir Hugh Cairns, is directed against her Majesty's subjects engaging in war on their own account. That was the essence of the offence as described in the preamble of the act. The act of declaring war or peace was with the sovereign of this realm. If the sovereign chose to remain neuter, it was not to be tolerated that some of her subjects should say that they would become belligerents on their own account, have a little expedition, mar-

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shal troops, and arm ships, and carry on war on their own accounts. The sovereign was the arbiter of war and peace. The subject had no right to interfere with the exercise of the right of the sovereign, and it would be perfectly idle for the sovereign to say, "I choose to remain at peace," if the subjects were, according to their own will, to be allowed to engage in war and fit out warlike expeditions on their own account. Because, if twenty or one hundred men in Liverpool thought proper to fit out a warlike expedition to attack and injure one belligerent, twenty or one hundred men in London might choose to fit out a warlike expedition to attack and injure the other. The gist of the offence which was spoken of in the seventh section of the foreign enlistment act was, that the offence must be committed within the United Kingdon. If the act be done by the Queen's subject out of the kingdom, it was no offence at all. It was not like every other prohibitory act, because if it prohibits a thing to be done, it prohibits its being done by a subject of her Majesty everywhere. There was not the least prohibition against building a ship; there was not a word said in the section about prohibiting the building of a ship; there was not a word said about selling a ship. Consistently with every word in the section a man might build a ship in any way he thought fit, and with any purpose. There was no suggestion in the section that it was an offence against the act, to be punished by forfeiture or otherwise, to build or construct a ship. The only words used were words which supposed that a ship was to be built, because the words were "equip, fit out, or arm a ship or vessel," and you could not equip, fit out, or arm a ship until she was built. The section meant that the person who was spoken of, and who was supposed to equip, fit out, or arm a vessel, was the person who had the intent to cruise on his own account and commit hostilities against a foreign nation with that ship. There must be an equipping, furnishing, fitting out, or arming, or an intent to do that with the kingdom, and in such a way that you should cruise and commit hostilities. The word "cruise" was a technical word when applied to vessels-of-war, which cruise for the purpose of committing hostilities. The only thing which the section struck at was this—some person who had the contract of a ship, who may use it in any way he thinks proper; and that person was supposed to fit out and arm a vessel, and to do it with the intention of committing hostilities, he being the judge and the arbiter and determiner whether he would or would not cruise and commit hostilities; and further, the ship must be armed or equipped, or fitted out in such a way as would make her such a ship at the time she leaves this country, and make her competent and able to cruise and commit hostilities. It was, upon the history of the act of Parliament, entirely open to any person to build a ship in this way, to sell the ship even, and, though she may be competent to be converted into a ship-of-war, to either of the belligerent powers, and the fact that he afterwards knew that she was sold to a belligerent power, and might be used in a particular way, had nothing to do with it. He was not the person who armed and equipped the ship to cruise and commit hostilities unless he had the intention of arming her in such a way as that when she left the port she would be in a state to cruise and commit hostilities. Sir Hugh Cairns went on to say, when the first American enlistment act was passed, that great and illustrious man who then swayed the destinies of America, Washington, was President, and he had ordinances issued to the various ports in America, informing their own officers what things were lawful and what were unlawful in regard to the equipment of vessels, there being at that time a war in which America took no part. He said equipments in the ports of the United States of vessels-of-war in the immediate service of the government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or to war, are deemed lawful. Then, further, he said, equipments in the ports of the United States by any of the parties at war with France of vessels fitted for merchandise and war, whether with or without commissions, which are doubtful in their nature as being applicable either to commerce or war, are deemed lawful; and, in like manner, equipments of any vessels of France in the ports of the United States which are doubtful in their nature as being applicable to commerce or war, are deemed lawful. Therefore we had, in the first year when the American enlistment act passed, this construction put upon it by the greatest man America ever saw—Washington. He had pronounced that which was deemed unlawful, as simply putting on board munitions or arms of war, and anything that might serve the twofold purpose, and which was useful to either purpose, was perfectly harmless. It would be impossible now to give in full, or even in abstract, the speech of Sir Hugh Cairns, occupying as it did nearly two days in its delivery. As we stated before, no evidence was called in support of the defendants' case, and it rested entirely upon the cross-examination of the witnesses for the crown and the speech of Sir Hugh Cairns to the jury. The late attorney general, Sir William Atherton, made a lengthy and very forcible reply on the whole case on the part of the crown. The lord chief baron proceeded to sum up, and is reported to have concluded by saying: "Gentlemen, if you think the object was to equip, furnish, fit out, or arm that vessel at Liverpool, then that is a sufficient matter. But if you think the object really was to build a ship in obedience to an order, and in compliance with a contract, leaving it to those who bought it to make what use they thought fit of it, then it appears to me that the foreign enlistment act has not been in any degree broken. I leave you to find your verdict, unless you wish me to read the evidence over to you." The jury did not wish to hear the evidence read, and the attorney general said, before the finding of a verdict by the jury, he would tender a bill of exceptions to a portion of the learned judge's ruling. The lord chief baron said that he would accept any bill of excep-

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tions he wished to tender. The attorney general replied that, strictly speaking, it ought to be done before the verdict was given, when Sir Hugh Cairns said that anything in point of form might be dispensed with. The jury having found a verdict for the defendants, the attorney general handed up a note of the exceptions, in order, as he said, that there might be no mistake. Sir Hugh Cairns asked for a copy of it, when the lord chief baron said it need not be done then. He might wish to put it in some other shape. There would be no mistake about it. The attorney general said they were anxious that they should quite understand what his lordship had ruled and laid down to the jury. It was very shortly stated. The lord chief baron replied that he had no doubt there was a very good note taken of what had been said. "You," addressing the attorney general, and looking at the paper, "have got here that the vessel was not intended to be fitted." It should be that the vessel was in the course of building for the purpose of performing the contract, and that there was no intention that she should be equipped, or furnished, or armed, or fitted out at Liverpool. The solicitor general said that was not what had fallen from his lordship. The lord chief baron stated that it certainly was. The attorney general said that he had understood his lordship to say that "if the building was in fulfilment of a contract." The lord chief baron went on: "And it was not intended that she should be equipped, fitted out, and furnished, and so on, at Liverpool." The attorney general said there were other points. The chief baron stated: "Every question I put to the jury I put in the language of the act of Parliament, that if it was not intended that she should be equipped, furnished, fitted out, or armed at Liverpool. I took special care of that." The Attorney General.—I think that is the point. The Lord Chief Baron.—No, you have got here that "if the vessel was not intended to be furnished." The Attorney General.—No, my lord; it is "furnished or fitted out." The Solicitor General.—Your lordship said the words were the same; that every one of the words required a warlike armament at Liverpool. That is the point. The Lord Chief Baron.—I will not bind you to what passes at the present occasion. I cannot alter the thing. I have no doubt that you have a very accurate note of what I have said. The Attorney General.—I only wish that we should have your lordship's concurrence now while the matter is fresh in your lordship's recollection. The Lord Chief Baron.—It cannot be a question of recollection. Depend upon it, there is an accurate note taken of what I have said. The Attorney General.—Will your lordship allow me to send in a full note from the best materials we can get? The Lord Chief Baron.—Certainly. With this the Alexandra trial ended. The bill of exceptions was prepared, and the lord chief baron refused to sign it upon the ground, as he stated in the court to the present district attorney general, Sir Roundel Palmer, that by the bill of exceptions he (the lord chief baron) purported to tell the jury that the Alexandra must have been armed, and if not armed, there was no offence. His lordship objected to sign the exceptions, stating that from the very first moment he had raised the same objection to them, and ultimately, after a very long discussion, it was agreed that the bill of exceptions should be abandoned, and on the 5th instant the attorney general (with whom were the solicitor general and Mr. Thomas Jones) moved for a rule to show cause why there should not be a new trial on the ground of misdirection of the learned judge, and also on the ground that the verdict was against evidence. The attorney general was proceeding with a very concise and powerful argument when the court adjourned for a short time. Upon the return of their lordships into court, the lord chief baron said that during the interval the judges had talked the matter over, and thought that what had been stated by the learned attorney general was unquestionably matter fit to be discussed; therefore, if he were content to take a rule to show cause why the verdict should not be set aside as being contrary to the evidence, or as not being warranted by the evidence, being contrary to the weight of it, and on the ground of misdirection on the part of the judge at the trial, or on the ground that, although there might have been no positive misdirection, there might have been such a want of information furnished to the jury as not to enable them fairly to discharge their duty—if the attorney general would be content to take a rule on these grounds, dividing the second into either positive misdirection or imperfect direction, he might take a rule. The attorney general said that was all he had been asking for, and a discussion then ensued as to the precise manner in which the rule ought to be drawn up. Eventually the rule stood thus: "1. That the verdict was against the evidence. 2. That the verdict was against the weight of evidence. 3. That the lord chief baron did not sufficiently explain to the jury the construction and effect of the foreign enlistment act. 4. That the learned judge did not leave to the jury the question whether the ship Alexandra was or was not intended to be employed in the service of the Confederate States, to cruise or to commit hostilities against the United States. 5. That the lord chief baron did not leave to the jury the question whether there was any attempt or endeavor to equip. 6. That the lord chief baron did not leave to the jury the question whether there was knowingly any aiding, assisting, and being concerned in the equipping. 7. That the learned judge misdirected the jury as to the construction and effect of the seventh section of the foreign enlistment act." The solicitor general made an application to the court to have a day appointed for the hearing of the arguments on the rule, and this day was appointed.

The attorney general, the solicitor general, the Queen's advocate, Mr. Locke, Q. C., and Mr. Thomas Jones, now appeared to support the rule; and Sir Hugh Cairns, Q. C., Mr. Karslake, Q. C., Mr. Mellish, Q. C., and Mr. Kemplay showed cause against it.

It having been agreed that the notes of the trial should not be read, as the learned attorney general on his motion for the rule had gone so fully into the evidence and made

all their lordships well acquainted with the nature of it, Sir Hugh Cairns commenced to show cause against the rule at once. Sir Hugh began by going through the various grounds upon which the rule had been granted, and said that, so far as most of them were concerned, they were definite enough; but as to Nos. 3 and 7, he would say at the outset that, as he found those grounds in the rule, he was bound to believe that they were in accordance with the practice of the court; but they at the same time exposed those who, like himself, had cast upon them the duty of showing cause against the rule—a task it was very difficult to discharge, because they informed them that after they had been heard, an argument was to be addressed to the court by the other side, of the grounds and of the nature of which the defendants' counsel had not in any way been forewarned. They were told that their lordships were asked to conclude that the learned lord chief baron in some way which was not specified misdirected the jury, or did not direct the jury, but the grounds upon which that was to be contended for they were not told, and therefore could not meet them. He did not desire to overstate the matter at all. He admitted they had had some kind of intimation by a few sentences which had fallen from the attorney general in moving for the rule, but beyond those they had no definite statement as to what the argument for the crown was to be. The court would probably remember that the Alexandra was seized on the 5th of April this year in the Toxteth dock, at Liverpool. (A printed book of the short-hand notes of the trial, which contained an appendix in which may be found the information, the plea, the British foreign enlistment act, the American foreign enlistment act, and other matter, was handed up to the bench.) Sir Hugh Cairns continued: he would call attention to the first count in the information as stated in the appendix of the book referred to Having read the first count, as well as the plea, both of which appear above, Sir Hugh said the issue raised was, therefore, whether the ship Alexandra was, under the act of Parliament, forfeited for all or for any of the causes which were mentioned on the information. He would first ask the attention of the court, apart from the evidence in the cause or from the charge of the judge, to what, he submitted, was the proper construction of the statute; then to solicit from the court an attention to the evidence which had been given in the case for the purpose of dealing with the rule as far as it states that the verdict was against evidence; and then, in the third place, to submit the view which he took of the charge of the lord chief baron and the objections which were made against the charge. He would call attention to the seventh section of the foreign enlistment act, which contained very many words, and he was afraid it must be said of them that they had contributed, from their number, rather to darken than elucidate the meaning, and he feared he must read the section, at all events a part of it, for the purpose of making an observation upon it. Having read the whole section, Sir Hugh said that he must observe that there were upon the face of the section traces of very great want of accuracy and care in the manner in which the ideas in the section were expressed. There were two examples of that which might be mentioned, because scarcely any argument could arise upon them. Their lordships would observe that in the first line of the section, "that if any person within any part of the United Kingdom" shall do so and so, "shall equip," &c. In point of strict construction it might be said that that indicated this idea—that the person who was spoken of there was to be himself within the kingdom, though as to the act which he was to do, it might be done either in or out of the kingdom. Of course it was agreed that that was not the construction, and the information proceeded upon a different construction. The information proceeds as if the act were worded thus: "If any person shall within the United Kingdom" do so and so, putting the word "shall," as it ought to be put, before the word within. And it was so clear that so utterly free from care and caution was the section, that when you came to the second part of it, the words were properly collocated, thereby condemning the improper collocation in the earlier part. The second part contained the second alternative. The words were these, "or shall within the United Kingdom or any of his Majesty's dominions, or in any settlement," &c., putting there the word "shall" in the proper place, and admitting that it was improperly placed before. Now, when the word "transport" occurs after the mention of the employment of the ship in the service of any foreign prince, then we find the words "as a transport or storeship, or with intent to cruise or commit hostilities against any prince," &c. The information assumes (and for the present purpose he would not contest the point) that the court were to read the word "transport" in connexion with the words "against any prince, state, or potentate." But could any expression be imagined so utterly careless or inaccurate as to talk of employing a ship in the service of a belligerent as a transport or storeship against another belligerent, as if a transport or storeship could be properly spoken of as a ship which would come under an expression of that sort—a ship employed against another belligerent? Whatever be the offences which were indicated by the 7th section, they were offences purely and simply of positive law. They were not offences which in the remotest degree were *mala in se*, offences against morality, or offences as to which we could have any preconceived idea as to their character or extent. If that were required to be proved, it was proved to demonstration from this consideration,

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that offence *a priori* was offence against morality—an offence against those principles which in the absence of legislation would be admitted to govern the conduct of mankind. That consideration would make it necessary for him to enlarge a little the line of argument upon a statute like the one in question, and to enter into an inquiry, which he would make as succinct as the case seemed to him to demand—an inquiry into the history and policy of the legislature upon the subject. The preamble of the act states: "Whereas the enlistment or engagement of his Majesty's subjects to serve in war in foreign service without his Majesty's license, and the fitting out and equipping and arming of vessels by his Majesty's subjects, without his Majesty's license, for warlike operations in or against the dominions or territories of any foreign prince, state, potentate, or persons exercising or assuming to exercise the powers of government in or over any country, colony, province, or part of any province, or against the ships, goods or merchandise of any foreign prince, state, potentate, or persons as aforesaid, or their subjects, may be prejudicial to and tend to endanger the peace and welfare of this kingdom." We are told, said Sir Hugh, that the acts described "may be prejudicial to and tend to endanger the peace and welfare of this kingdom," and that the laws in force are not sufficiently effectual for preventing the same. What, therefore, was intended to be struck at and to be restrained was certain acts as to which it was said that they "might be prejudicial to and tend to endanger the peace and welfare of this kingdom;" and that the law in force at that time did not sufficiently restrain them. The attorney general, in moving for this rule, is reported to have said, after repeating the preamble of the act, "It is plain that the object was to preserve the neutrality of this country, and to enforce it against the subjects of this country in matters in which the neglect of it by those subjects, or the violation of it here by foreign belligerent governments, was thought calculated to lead to a position, as regarded foreign nations, which would endanger the peace and welfare of the kingdom. How would it endanger the peace and welfare of the kingdom? Manifestly by involving us in a war—by making us, practically, so far parties, through our subjects, to belligerent operations—if we allowed this country to be made the base of those operations, either for the enlistment of men or for the equipping of vessels of war—as to make it probable that other countries would not endure it, but resent it, and that so we might become involved in war. That is the mischief which the statute is manifestly intended to protect us against." My lord, continued the learned counsel, there is no difficulty in ascertaining, therefore, what the view of the crown is as to the main object of the act of Parliament. The attorney general says that in the case of war prevailing between two belligerents, we ourselves remaining neutral, we have certain duties as a nation to perform in an international point of view. If those duties are neglected, one or other of the belligerents may complain of that neglect. If redress is not given upon that complaint, we, the neutral nation, may be involved in war. The belligerent which considers that it has a right to complain of our conduct may make it a *casus belli* against us. Therefore, says the attorney general, it was that the crown came to Parliament and asked for the sanction of the legislature to a restraint put by the crown upon those acts, which, if not restrained, would be complained of by the foreign belligerent power, and if not redressed would become the source and the origin of war against ourselves. Now, if that were so, of course that again opens up a field which we shall have to examine, and invites us to consider what was the extent and amount of international duty which one or both of the belligerent powers might call upon us to observe, and which, if not observed, might be a cause of complaint against us on the part of the belligerent power in a war in which we were neutral. Now I think that in that way we shall get, and get upon principles which the attorney general himself admits, a key to the municipal legislation upon the subject. And fortunately the rules of international law upon this point will, if I mistake not, be found extremely simple, extremely clear, and extremely sensible. There are two rules, as I understand it, of international law, as to which I may say they are established upon authority which cannot be doubted, and between which the whole of this inquiry will lie. Those are rules with regard to the conduct in war of the subjects of the neutral power. I disembarrass the case of any question as to the duty of the neutral power itself as a government; that is a different thing. That stands upon much higher and broader principles. I speak of the duty in war of the subjects of a neutral power. The government of a neutral power, we all know, as a government, is not at liberty to perform the smallest act which would be in itself an assistance to either of the belligerents. For example, the government of a neutral power would not be at liberty to furnish a gun, to furnish a shot, or powder, or ammunition of any sort, to either of the belligerents; but with regard to the subjects of the neutral power the case is different, and the first of the two rules to which I have referred is this—subjects of a neutral power in time of war are at liberty to supply either of the belligerents, or both of them, with all articles termed contraband of war. Now I will cite an authority as to which during this controversy there will be no dispute. Mr. Chancellor Kent, in the first volume of his *Commentaries*, says:

"It is a general understanding, founded on true principles, that the powers at war may

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seize and confiscate contraband goods by any complaint on the part of neutral merchants, and without any imputation of a breach of neutrality in the neutral sovereign himself. It was contended on the part of the French nation in 1796 (that is to say, it was contended against the United States) that neutral governments were bound to restrain their subjects from selling or exporting articles contraband of war to the belligerent powers. But it was successfully shown, on the part of the United States, that neutrals may lawfully sell at home to a belligerent purchaser, or carry themselves to the belligerent powers, contraband articles, subject to the right of seizure *in transitu*. This right has been explicitly declared by the judicial authorities of this country. The right of the neutral to transport and of the hostile power to seize are conflicting rights, and neither party can charge the other with a criminal act."

Then, my lords, as to what is comprehended under the term "contraband," which is here used, we find it laid down in an earlier page that they are arms and ammunition, and in a naval war, ships and materials for ships, and also horses and saddles, naval stores, and timber, and provisions, and various other matters. These are contraband articles which may thus be supplied. In addition to this, I will refer your lordships to the statement of the rule laid down by Mr Justice Story, in an American case. He says: "There is nothing in our laws or in the law of nations (and of course it is to the latter expression I am referring) that forbids our citizens from sending armed vessels, as well as munitions of war, to foreign ports for sale. It is a commercial adventure, which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation." Apart from any municipal regulation, that rule, as regards international duty, is perfectly clear. No belligerent power can complain of acts of subjects of a neutral power upon this footing. They are acts which are not in any way prohibited by any rule of international law. That is one, my lords, of the two rules of international law to which I referred. The second rule is this: the territory of a neutral power must be kept absolutely inviolate from anything which may be termed a proximate or immediate act of war, and the neutral government will have a right to complain if that inviolability so defined of the neutral territory is infringed either by the belligerent directly, or by one of its own subjects at the instigation of the belligerent. Now, the rule in this case is laid down as clearly and as succinctly as the former. Chancellor Kent says, at marginal paging 118 of the first volume:

"It is a violation of neutral territory for a belligerent ship to take her station within it in order to carry on hostile expeditions from thence, or to send her boats to capture vessels being beyond it. No use of neutral territory for the purpose of war can be permitted. This is the doctrine of the government of the United States. It was declared judicially in England in the case of the Twee Gebroeders; and though it was not understood that the prohibition extended to remote objects and uses, such as procuring provisions and other innocent articles, which the law of nations tolerated, yet it was explicitly declared that no proximate acts of war were in any manner to be allowed to originate on neutral ground; and for a ship to station herself within the neutral line, and send out her boats on hostile enterprises, was an act of hostility much too immediate to be permitted. No act of hostility is to be commenced on neutral ground. No measure is to be taken that will lead to immediate violence. The neutral is to carry himself with perfect equality between the two belligerents, giving neither the one nor the other any advantage; and if the respect due to neutral territory be violated by one party, without being promptly punished by just animadversion, it would soon provoke a similar treatment from the other party, and the neutral ground would become the theatre of war."

Now, my lords, I could not help feeling surprised in observing the note of the argument of the attorney general in moving for the rule, when he said, in an expression remarkable rather for its breadth than its accuracy, that he did not believe that it ever entered into the mind of any human being that one of the objects of the foreign enlistment act was to prevent collision between the belligerents using the neutral territory. My lords, it entered into the mind of Mr. Chancellor Kent, and it entered into the mind of Lord Stowell. The expressions they use are clear and interesting, and the case which they put (as it happens) as the consequence of a doctrine different from that which I will show is vindicated by the foreign enlistment act is this: if that doctrine were to be tolerated, you would have first one belligerent making use of the neutral territory for arming and for proceedings of a warlike character; you would have the other belligerent claiming to do the same; and in place of a peaceful and undisturbed territory, which a neutral nation has a right to expect its grounds to be, you would have the neutral territory being the theatre of collision and war. My lords, the same book upon this point refers to another matter connected with what I have read, and which still further illustrates it. At 120 of the marginal paging the author says:

"Bynkershoek makes one exception to the general inviolability of neutral territory, and supposes that if an enemy be attacked on hostile ground, or on the open sea, and flee within the jurisdiction of a neutral state, the victor may pursue him *duw fervet opus*, and

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seize his prize within the neutral state. He rests his opinion entirely on the authority and practice of the Dutch, and admits that he has never seen the distinction taken by the publicists or in the practice of nations. It appears, however, that Casaregis and several other foreign jurists, mentioned by Azuni, held a similar doctrine. But D'Ahen, Valin Emerigon, Vattel, Azuni, and others, maintained the sounder doctrine that when the flying enemy has entered neutral territory he is placed immediately under the protection of the neutral power. The same broad principle that would tolerate a forcible entrance upon neutral ground or waters in pursuit of a foe would lead the pursuer into the heart of a commercial port. There is no exception to the rule that every voluntary entrance into neutral territory with hostile purposes is absolutely unlawful. The neutral border must not be used as a shelter for making preparations to renew the attack, and though the neutral is not obliged to refuse a passage and safety to the pursuing party, he ought to cause him to depart as soon as possible, and not permit him to lie by and watch his opportunity for further contest."

In the case which was referred to, in the first passage which I read, by Chancellor Kent, the case before Lord Stowell, of "the Two Brothers," reported in the third volume of Robinson's Admiralty Cases, this question arose: There was a capture, the legality of which came in question. The capture was said to be illegal because the capturing ship, at the time of the capture, was lying within neutral territory—that is to say, within three miles of a neutral shore. The ship did not move herself, and did not, with her guns, or otherwise, take any immediate part in the capture, but she sent her boats outside the neutral territory from the ship, and the boats made the capture; and it was contended that the capture was not invalid, because the ship herself had not made it. Now, Lord Stowell was of opinion that no proximate acts of war were in any manner to be allowed to originate on neutral grounds, and he could not but think that. (The learned counsel read at very considerable length the judgment of Lord Stowell.) His lordship stated that, if it were necessary to prove that a direct and immediate act of hostility had been committed, he should be disposed to hold that it had been sufficiently made out by the facts of the case. The distinction taken, continued Sir Hugh Cairns, between certain things—connected with hostility it may be—which are innocent, and other things connected with hostilities which are matters of complaint and international law—things termed direct and proximate acts or causes of hostility are deemed to be a violation of international law. Those things which are remote and not proximate are not so, and an instance is given by Sir William Scott even with regard to a ship admitted to be a ship which intends to commit hostilities at some future period, viz: that the obtaining provisions and supplies of an innocent character, and not of a warlike character, is an act which is remote—it may be a cause of war, it may be connected with war, but it is remote and not proximate, and the neutral nation cannot complain of any infringement of territory if an act of that kind alone is committed upon it. Now, I will ask, what should be the conclusion we should naturally draw from the two rules I have mentioned as to the course which municipal legislation might be expected to take? The law of nations defines a line outside the dominions of a state—I mean outside the land up to which municipal jurisdiction extends, and beyond which it ceases We find that, according to the rules of international law, it is allowable to a neutral state, and to the subjects of it, to carry and deliver outside it any of those articles which are called contraband of war—guns, ammunition, ships, or any other article. International law also holds that you might carry guns, &c., from the neutral state, and deliver into a ship outside the boundary line, subject to the right of capture; but, on the other hand, the same law says you must not originate, on the neutral territory, any proximate act of war; you must not issue out of the neutral territory with a ship which shall be prepared to commit hostilities. I say it is beyond all doubt clear, according to international law, that you might bring a ship outside the limit of neutral territory and hold it there or anchor, and fit and load another ship with guns or ammunition, and then carry that ship outside of the limit, and then transfer the guns and ammunition which you had so put on board, just as you would do in a foreign port. You would not be allowed to go inside a neutral territory and arm and prepare for hostilities, in a way calculated to commit hostilities, a ship which might sally out of the neutral territory, go beyond the limit, and, without any intervening space occurring in which it might be captured by the belligerent power, commence hostilities with a ship so armed. This would be a sort of outrage, and considered as an absence of neutrality. I should say, *a priori*, that what we should expect to be the course of municipal legislation upon the subject would be some legislation which would guard against such a case, and which, by way of restraint upon the subjects of the neutral power, would prevent its subjects from doing that of which the belligerent might complain. Now, we will see if that is the course of municipal legislation upon the subject. The first definite municipal act of the legislature was one passed by the Congress of the United States in the year 1794. There are various reasons why, if there be any question or doubt upon the construction of our own act of Parliament, we may fairly look to the history of the American legislation upon the sub-

ject. One reason would be, that to a very great extent, in the words of the statute, it is found that our own act follows the American act of Congress Another reason would be, that we know as a matter of history that it is distinctly affirmed that the object of the legislation in this country was to follow, and to follow as closely as might be, the course of the American legislation. My lords, I find that, with reference to the English act of Parliament, the minister of the day by whom it was introduced (Mr. Canning) said this:

"If I wished for a guide in the system of neutrality, I should take that laid down by America in the days of the Presidency of Washington and the Secretaryship of Jefferson. In 1793 complaints were made to the American government that French ships were allowed to fit out and arm in American ports for the purpose of attacking British ships, in direct opposition to the laws of neutrality. Immediately upon this representation the American government held that such a fitting out was contrary to the laws of neutrality, and orders were issued prohibiting the arming of any French vessels in American ports. At New York a French vessel fitting out was seized, delivered over to the tribunals, and condemned. Upon that occasion the government held that such fitting out of French ships in American ports for the purpose of cruising against English vessels was incompatible with the sovereignty of the United States, and tended to interrupt the peace and good understanding which subsisted between that country and Great Britain."

Now, my lords, Mr. Canning referred to certain rules which were issued by the American government just immediately before the act of Congress was passed, rules which are referred to by international writers as being the true exposition of international law. Mr. Canning refers to those rules, and says that if he wished for a guide in the system of neutrality he would take those rules so laid down, and he says that it was upon the principle of those rules that the English bill, as a matter of history in his view, was enacted. The American act of Congress passed in 1794. The occurrences which led to its being passed took place in the year 1793. The French republic was constituted early in the latter year, and the first act almost it did was to send a minister to the United States named Genet, and he instituted the equipment of privateers in American ports to cruise against and capture English vessels, the republic of France having declared war against England at that time. America was at peace with the whole world, and naturally wished to reap the advantage which a commercial country expects to reap from a state of neutrality in the midst of war. America tried to see how far the acts of Genet could be put a stop to on principles of international law; if they could be put a stop to on those principles, to ascertain how far municipal law should be called in aid and constituted for the purpose. My lords, there are two or three references to matters of history which will bring us conveniently to the consideration of the American act of Congress. In the correspondence of one of the American ministers of the day, Jefferson, a book which is entitled *Jefferson's Memoirs and Correspondence*, in the third volume, page 242, Mr. Jefferson, writing to Genet, refers to the subject in this way. He says:

"In a conversation which I had afterwards the honor of holding with you, I observed that one of those armed vessels, the Citizen Genet, had come into this port with a prize (that is, into the port of Philadelphia;) that the President had thereupon taken the case into further consideration, and after mature consultation and deliberation was of opinion that the arming and equipping vessels in the ports of the United States to cruise against nations with whom they were at peace was incompatible with the territorial sovereignty of the United States, and that it made them instrumental to the annoyance of those nations, and thereby tended to compromise their peace, and that he thought it necessary, as an evidence of good faith to them as well as a proper reparation to the sovereignty of the country, that the armed vessels of this description should depart from the ports of the United States."

We have given as much as we could, under the circumstances, of the learned counsel's arguments, which had not concluded when the court adjourned.

In order to give some of the references made by Sir Hugh Cairns to American works, &c., we have had occasion to refer to a very lucid and excellent little work on the policy and interpretation of the foreign enlistment act by Frederick Waymouth Gibbs, C. B., which has just been published by Mr. Ridge, of 169 Piccadilly. As all the public libraries close at 4 o'clock, and are made thereby useless to those who are obliged to work each day after the rising of the law courts, we deem it only fair thus to acknowledge the source from which in this instance we have derived much useful and valuable information.

Court of Exchequer, November 18.

Sir Hugh Cairns resumed his argument this morning, and we continue our report of it from where we left off last evening.

The attorney general, the solicitor general, the Queen's advocate, Mr. Locke, Q. C., and Mr. Thomas Jones, appeared for the crown; and Sir Hugh Cairns, Q. C., Mr. Karslake, Q. C., Mr. Mellish, Q. C., and Mr. Kemplay, for the defendants.

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Sir Hugh Cairns said: We have a letter from Washington to Mr. Hamilton, his minister, which clearly shows what was working in Washington's mind, and led afterwards to the rules which his secretary framed. It is printed in Sparks's collection of the writings of Washington, and runs thus:

"DEAR SIR: As I perceive there has been some misconception respecting the building of vessels in our ports, which vessels may be converted into armed ones, and as I understand from the attorney general that there is to be a meeting to-day or to-morrow of the gentlemen on another occasion, I wish to have that part of your circular letter which respects this matter reconsidered by them before it goes out. I am not disposed to adopt any measure which may check ship-building in this country, nor am I satisfied that we should too promptly adopt measures in the first instance that are not indispensably necessary. To take fair and supportable ground I conceive to be our best policy, and it is all that can be required of us by the powers at war, leaving the rest to be managed according to circumstances and the advantages to be derived from them."

Before any act was done by Congress the circular letter referred to in this letter was settled and sent out. That circular contains certain rules, which contain, as I will show you, the true exposition of international law. In the collection of *American State Papers*, vol. I, p. 45, in the following letter, we have the circular letter as finally settled. Now, what the letter says to the collector of customs is this:

"No armed vessel which has been or shall be originally fitted out in any part of the United States by either of the parties at war is hereafter to have asylum in any district of the United States. If any such armed vessel shall appear within your district she is immediately to be notified to the governor and attorney of the district, which is also to be done with respect to any prize that such armed vessel may send or bring in. The purchasing in and exporting from the United States by way of merchandise any articles commonly called contraband, being generally warlike instruments and military stores, is free to all the parties at war, and is not to be interfered with. If our citizens undertake to carry them to any of those parties, they will be abandoned to the penalties which the laws of war authorize."

The rules ran:

"1. The original arming and equipping of vessels in the ports of the United States by any of the belligerent parties for military service, offensive or defensive, is deemed unlawful. 2. Equipments of merchant vessels by either of the belligerent parties in the ports of the United States, purely for the accommodation of them as such, is deemed lawful. 3. Equipments in the ports of the United States of vessels-of-war in the immediate service of the government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize of the subjects, people, or property of France, coming with their prizes into the ports of the United States, pursuant to the seventeenth article of our treaty of amity and commerce with France. 4. Equipments in the ports of the United States, by any of the parties at war with France, of vessels fitted for merchandise or war, whether with or without commissions, which are doubtful in their nature, as being applicable either to commerce or war, are deemed lawful, except those which shall have made prize, &c. 5. Equipments of any of the vessels of France, in the ports of the United States, which are doubtful in their nature as being applicable to commerce or war, are deemed lawful. 6. Equipments of every kind, in the ports of the United States, of privateers of the powers at war with France, are deemed unlawful. 7. Equipments of vessels in the ports of the United States, which are of a nature solely adapted to war, are deemed unlawful, except those stranded or wrecked, as mentioned in the eighteenth article of our treaty with France, the sixteenth of our treaty with the United Netherlands, the eighteenth of our treaty with Prussia. 8. Vessels of either of the parties not armed, or armed previous to their coming into the ports of the United States, which shall not have infringed any of the foregoing rules, may lawfully engage or enlist their own subjects or citizens, not being inhabitants of the United States, except privateers of the powers at war with France, and except those vessels which shall have made prizes, &c."

The result, therefore, of the whole is this: That laying down what was then conceived to be the rule of international law in the case, these provisions were made complying with a treaty which America had with one of the powers, and providing for a test to be applied in every case whether you were dealing with a ship clearly a vessel-of-war or to a vessel which you did not know was meant for war or for commerce, and as to which there might be a dispute. Congress met at the close of that year 1793, and the enlistment act was passed. The third section, which agrees to a certain extent with our seventh section, stands thus: "If any person shall within the limits of the United States," and there I pause to observe that I think our American brethren write better English in this respect than we did; they put in the "shall" in its proper place; whereas, *per incuriam*, in our own act it has slipped out of the place where it ought to be found:

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"If any person shall, within the limits of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than $10,000, and imprisoned not more than three years"

It is a singular thing that the words in the first part of this clause are conjunctive, "fit out and arm," or attempt to fit out and arm, or procure to be fitted out and armed; whereas when we come to the question of being concerned in the furnishing, it is the "furnishing, fitting out, or arming of any ship or vessel." That has been a subject of controversy in America, and I will show your lordships at a proper time what has been decided upon it. Another thing is very singular, that when we come to the word "concerned," another term is introduced, which is not found in the earlier part of the sentence, viz: "furnishing." The construction is, that you shall not within the United States fit out a ship as a ship-of-war, to be employed by one belligerent against another. That exactly tallies with the rules laid down by Washington, and adopted by writers upon international law. I will now ask you to go to the fourth section:

"That if any citizen or citizens of the United States shall, without the limits thereof, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out, or arming any private ship or vessel-of-war or privateer, with intent that such ship or vessel shall be employed to cruise or commit hostilities upon the citizens of the United States or their property, or shall take the command of or enter on board of any such ship or vessel for the intent aforesaid, or shall purchase any interest in any such ship or vessel, with a view to share in the profits thereof, such person so offending shall be deemed guilty of a high misdemeanor"—

that is, to commit hostilities upon citizens of the United States, which is a wholly different matter. This section was not in the first act, but was introduced into the act of 1818. The fifth section seems to me, with reference to our investigation of what is the principal offence, of very great importance. It runs thus:

"If any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall knowingly be concerned in increasing or augmenting the force of any ship-of-war, cruiser, or other armed vessel, which at any time of her arrival within the United States was a ship-of-war, or cruiser, or armed vessel in the service of any prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, by adding to (augmenting, that is to say) the number of the guns of such vessel, or by changing those on board of her for guns of a larger calibre, or by the addition thereto of any equipment solely applicable to war, every person so offending shall be deemed guilty of a high misdemeanor, shall be fined not more than $1,000, and be imprisoned not more than one year."

This throws a flood of light upon the whole legislation, and how it agrees with the rules preceding it. Here you are dealing with a case of a ship as to the destination and object of which there is no possible doubt. Is it lawful to equip her? Nothing of the kind. Is it lawful to augment her armed force by adding to the guns, by changing them for larger or other guns? But if there be any equipment, (and we all know there is abundance of equipment not applicable solely for warlike purposes,) she is at liberty to have that equipment; she may come in and get it and sail away; in other words, the very thing prescribed in the rule by Washington is to be attended to. Sir Hugh, after making some comments on the 1st section of the American act, passed to the 11th section:

"That the collectors of customs be and they are hereby respectively authorised and required to detain any vessel manifestly built for warlike purposes."

This is a new class of vessel; this is not an armed vessel. They cannot detain, generally, any vessel "manifestly built for warlike purposes," but any vessel "manifestly built for warlike purposes, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of the President be had thereon, or until a bond be given."

No amount of suspicion will justify the collector of customs in a case of that sort. The act merely intends to provide for the case where you are equipping within the ports of

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America a ship as a vessel-of-war, meaning by that, equipping her with things that are essential and distinguishing characteristics of a vessel-of-war. Now, having troubled your lordships with the words of the American act, I would refer you to those American authorities, so far as we have them, upon the construction of this act of Congress, and the first in point of time is in *Bee's American Admiralty Reports*, page 76. Bee was not the reporter, but an admiralty judge of considerable reputation. The case is "Moodie *vs.* The ship Brothers." The question arose in this way: A privateer had taken a prize; she was brought in for adjudication, and Mr. Moodie, who was the English consul, and in whose name all the proceedings during the beginning of the war were taken, objected to the condemnation upon the ground that the privateer had been fitted out in a port of the United States, in contravention of the American act of Congress, which would have made the capture illegal, if it could have been proved.

"The prize, upon the arrival in this port, was, with the cargo, libelled by the British consul, Mr. Moodie, who, among other causes, alleges that the privateer" (the whole of this report is the judgment of the court) "was originally fitted out in the port of Charleston, or augmented in her warlike force, contrary to the act of Congress and law of neutrality of nations; he therefore claims restitution of the captured vessel. The claimants cannot deny that the privateer was originally fitted, armed, or manned within any of the ports of the United States, or that she received therein any augmentation or addition solely applicable to purposes of war. They produce a copy of her commission from Leveaux, and plead the 17th article of the treaty with France in bar to the interference of this court in this cause. Several exhibits have been filed to show that the captured vessel and cargo are British property, and one exhibit shows that the privateer was formerly an armed vessel in the service of the King of Spain, and then mounted 18 guns; that she was captured by the Montagne, French privateer, and brought as prize into this port, whence she afterwards departed with fewer guns than she had on her coming in." It was agreed between the parties that certain evidence should be taken. The judge continues: "I have already, by my decree in the case of the Courier, declared my opinion of this privateer, but have reconsidered the evidence with great care of Messrs. Wallace, Libby, Williams, Carpenter, and Weyman, and the collector, and they all agree that she was a complete privateer when she first arrived there; she had then 14 guns on her main-deck, two cohorns forward, and swivels on her quarter-deck. They also agree that she received no augmentation of force here; she had been much injured in her engagement with La Montagne, and was compelled to take off her quarter-deck. She went to sea, returned dismasted, and took a new mast, (that was in an American port,) but none of the witnesses saw any additional equipments. Ingram, who worked on her, says she had her quarter-deck taken down, her waist repaired, and two ports cut therein; that she was an armed vessel when she arrived, and was repaired as a privateer. The question, then, is wholly as to the cutting of two new ports when her waist was repaired. This arises out of Ingram's testimony, which is at variance with that of Williams, Libby, and Carpenter, and positively contradicted by the oath of the claimants, who swear that the repairs she received in this port were necessary to her safety of sailing, but not at all applicable to war." The learned judge, convinced that that was the issue to be decided upon the evidence, whether the repairs or equipments she had received were at all applicable to war, continued: "They say she actually went to sea with fewer guns than she had when she arrived as a prize. Admitting, then, for the sake of reconciling Ingram's testimony with that of the other witnesses, and with this oath of the claimants, that two of her ports in the waist were altered, this will not amount to any additional equipments, nor can it be considered as a breach of neutrality. If a prosecution had been instituted under the act of the 5th of June, no forfeiture could have been adjudged for so trifling an alteration. Upon the whole, I retain my opinion, and that upon mature deliberation. I therefore admit the relevancy of the plea in bar."

Of course it is not for me to consider whether the learned judge was right or wrong in his conclusions upon the facts. He had to determine whether the equipments put on board in an American port were solely applicable to war, and he thought they were not. That was the construction he put upon the act, and dealt with the case accordingly. I ought to have called your lordship's attention, before I commenced the American cases, to a reference to the authority upon international law, showing that the rules laid down by the Washington government and the American act of Congress were declaratory of and in accordance with the antecedent rules of international law. Mr. Chancellor Kent, vol. I, marginal paging 122, says:

"The government of the United States was warranted by the law and practice of nations in the declarations made in 1793 of the rules of neutrality, which were particularly recognized as necessary to be observed by the belligerent powers in their intercourse with this country. These rules were, that the original arming or equipping of vessels in our ports by any of the powers at war for military service was unlawful, and no such vessel was entitled to an asylum in our ports. The equipment by them of government vessels-of-war, in

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matters which, if done to other vessels, would be equally applicable to commerce or war, was lawful. The equipment by them of vessels fitted for merchandise and war and applicable to either was lawful, but if it were of a nature solely applicable to war it was unlawful. And if the armed vessel of one nation should depart from our jurisdiction, no armed vessel, being within the same and belonging to an adverse belligerent power, should depart until twenty-four hours after the former without being deemed to have violated the law of nations"

This is an authority which will connect us with the whole chain I have given, first the declaration and then the act of Congress, showing that the declaration and the act of Congress were simply an affirmance of the rule of international law. Having turned aside for a moment, I now return to the next case upon this act in the American authorities. There was a trial for a misdemeanor under this act in the year 1795, reported in Wharton's American State Trials, page 93. The questions were, whether there was an equipment within the terms of the act of Congress within the American jurisdiction; and the other was, whether there was an intent on the part of Quinet, the prisoner, to join in using the ship as a privateer. The indictment was that he was concerned in furnishing, fitting out, and arming a certain vessel or ship called Les Jumeaux, lying at the port of Philadelphia. The evidence went to show that the vessel had four iron guns, with carriages; her whole appearance changed from what she had been—twenty ports open, and a crew of between thirty and forty on board. Quinet was convicted. The attorney for the states contended that, being converted from a merchant vessel carrying a few guns for self-defence into a privateer armed for hostilities, it was clearly an original outfit within the meaning of the law. Mr. Justice Patteson, in summing up, after going into the evidence, says:

"If the equipments were not to be used for merchandise, the inference was inevitable that they were to be used for war. No man would proclaim from the housetop that he intended to fit out a privateer; the intention must be collected from all the circumstances of the transaction, which the jury will investigate, and on which they must decide. But if they are of opinion that it was intended to convert this vessel from a merchant ship into a cruiser, any man who was knowingly concerned in so doing is guilty in the contemplation of the law."

The warlike equipments are superadded at last, and at last the judge and all the counsel agreed to take the case as turning on that, using the words of the judge, whether there had been a conversion of the ship into a ship-of-war by virtue of those equipments. Here is a case in which, if the argument suggested on the other side were to prevail, the court and all the counsel were occupying themselves in the most unnecessary and superfluous way it is possible to imagine. If it be right that if you equip in any way within the dominions a ship as to which there is an intent at some time to convert her into a vessel-of-war, you commit an offence, what on earth was the use of the elaborate evidence produced in the case, and the consideration the judge gave to it to show that the equipment was of a warlike nature? because that is the point to which all parties addressed themselves to consider. There is one more American case which I would refer to, viz: the case of "The United States *vs.* Quincy." (The facts of this case are very long, and we shall only give a mere epitome of them.) Quincy was charged with being knowingly concerned in the fitting out of a vessel called the Bolivar, with the intent that she should be employed in the service of a foreign people, &c., in hostilities, and the allegation was that he was knowingly concerned in the fitting out of this vessel. The Bolivar was originally a pilot boat, and after alterations sailed from Baltimore, having on board provisions, 32 water casks, one gun-carriage and slide, a box of muskets, and 13 kegs of powder. The master, Paterson, and the owner, Valette, had given a bond not to commit hostilities. For Quincy it was argued that, because the American act, when speaking of the principal offence, defined it to be to equip and arm, &c., the secondary offence of being concerned in, &c., could not be committed unless the prosecution could show that he was concerned in fitting out and arming. Both must combine. After the case had been argued and carefully considered, the court held that it was not necessary that the jury should believe or find that the Bolivar, when she left Baltimore and during her voyage to St. Thomas, was armed, or in a condition to commit hostilities, in order to find the defendant guilty of the offence charged in the indictment. Sir Hugh Cairns came now to the consideration of the English foreign enlistment act. Not, as he said, for the purpose of altering the legitimate construction of the act, but, for the purpose of putting the court into possession of the circumstances as a matter of history, under which it was passed, and for the purpose of showing its compliance with the rules of international law, he would shortly refer them to what those circumstances were under which the act was passed. Sir Hugh went on to say: My lords, they may be very briefly stated from Sir Archibald Alison's history. In the first volume of his second *History of Europe*, section 95, he refers to the very great popular excitement in the year in which this act was passed, and the circumstance of the Spanish colonies having revolted from the mother country, and states that, from the strong sympathy felt in this

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country with the revolted colonies, both naval and military equipments were being prepared to assist them. A British adventurer, who assumed the title of Sir M'Gregor M'Gregor, collected a considerable expedition in the harbors of this country, with which, in British vessels and under the British flag, he took possession of Porto Bello, South America, then in undisturbed possession of a Spanish force, a country at peace with England. This aggression led to remonstrances by the Spanish government, and in consequence the government brought in a foreign enlistment bill, which led to violent debates in both houses of Parliament. Alison goes on to show to what extent this matter had gone in Ireland, referring to debates in Parliament, and the doctrines laid down by Martens, the international writer, which Lord Lansdowne had referred to. Having read the extract from Alison, Sir Hugh said: The same state of things is described by Mr. Canning himself in these words:

"What would be the result if the House of Commons refused to arm government with the means of maintaining neutrality? Government would then possess no other power than that which they exerted two years ago, and exerted in vain. The House would do well to reflect seriously on this before they placed government in so helpless a situation. Did the honorable and learned gentleman really think it would be a wholesome state of things that troops for foreign service should be parading about the streets of the metropolis without any power on the part of the government to interfere to prevent it? At that very moment such was the case in some parts of the empire, and he had little doubt that in a very short time the practice would be extended to London."

And in another part of the same speech he says:

"It was extremely important for the preservation of neutrality that the subjects of this country should be prevented from fitting out any equipments, not only in the ports of Great Britain and Ireland, but also in the other ports of the British dominions to be employed in foreign service. The principle in this case was the same as in the other, because by fitting out armed vessels, or by supplying the vessels of other countries with warlike stores, as effectual assistance might be rendered to a foreign power as by enlistment in their service. In this second provision of the bill two objects were intended to be embraced—to prevent the fitting out of armed vessels, and also to prevent the fitting out or supplying other ships with warlike stores in any of his Majesty's ports Not that such vessels might not receive provisions in any port in the British dominions, but the object of the enactment was to prevent them from shipping warlike stores, such as guns and other things, obviously and manifestly intended for no other purpose than war."

That was the evil they had to guard against—a state of things in which you had the enlistment and the parading through the streets of men in military assemblage, and the supplying of ships with equipments which are of a warlike character, guns, and matters *ejusdem generis*, with which the ship would be more or less able to commit hostilities the moment it left the neutral country. Sir Hugh Cairns then read through the preamble of the act, making such observations as he thought necessary upon it, and went through all the sections, one by one, of the act itself. When upon the seventh section, (the section on which the information is founded,) Sir Hugh said he would remind the court of what he had before stated upon this section, and of the circumstance that the whole was prefaced by the words, "without the leave and license of his Majesty;" showed that there was nothing in this which could be said *a priori* to involve any offence in the nature of *malum in se*, or an offence as regards the existence of which you could have any preconceived or preformed opinion. We have seen from our own shores an expedition go out fitted out in the most formal way, as ships-of-war, commanded by officers, some of whom were in her Majesty's service, to China, where the Chinese government are belligerents against a portion of the Chinese empire. The whole was done by leave of the crown, given in an order of council for the purpose. It is, therefore, one of those things in which the crown may throw open the whole of that, whatever it may be, which is covered by the seventh section, if it so thinks fit. There is, therefore, no moral offence, no *malum in se* which is struck at by the section. The next point is the principle of the entire offence which is defined by this section. Is there any prohibition against building a ship as distinguished from equipping, fitting out, furnishing, or arming? Now, I say that the most cursory inspection of the word would lead us to conclude that there is assumed throughout this section that, before you come to ascertain whether the offence is or is not committed, there is a ship or vessel in existence—there is a ship spoken of which is to be equipped, &c. The natural construction of those terms would be that the ship was in existence as a ship, and that something was to be superadded to the ship, which has occurred here, whatever it may be, equipping, fitting out, or arming. The forfeiture clause makes it still more clear. It says: "And every such ship or vessel, with the tackle, apparel, &c., which may belong to or be on board of any such vessel, shall be forfeited." And towards the end of the clause it says, "And that every such ship or vessel, with the tackle, &c., together with all the materials, &c., on board such ship, may be prosecuted and condemned in the like manner and in such costs as ships or vessels may be prosecuted for a breach of the excise laws." Therefore, your lordships, observe that when you come to the end there is a distinction made between the two things spoken of, viz., the ship or vessel itself and the furniture, &c., connected with the vessel. In addition to that, in the part of the section

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which speaks of the issuing or delivering of a commission, these words occur: "For any ship or vessel, to the intent that such ship or vessel shall be employed as aforesaid." Again, speaking of the existence of the ship or vessel as a thing independent of any equipment or outfit which may be placed upon it, I may say, my lords, as to that, that if the argument is maintained on the other side, which I have seen maintained out of doors, namely, that the moment you find any part of the structure of a vessel to be a part which is suitable for a vessel-of-war, and not for a vessel of commerce, that ship is struck at, and comes within the ambit of this act of Parliament—if that argument is maintained it must go to this length: that if it were the case, as very probably it is, that in laying down the keel of a ship the keel may be laid down of a kind more or less fitted for a ship-of-war, according as you do or do not intend to employ the vessel as a ship-of-war; if the keel be laid down with the intent that she shall be used as a ship-of-war, then that is an offence committed within the act, that it is a misdemeanor, and that there is a forfeiture, not of the ship, for there is no ship to be forfeited, but a forfeiture of the keel so laid down. That would be absurd. I really do not know that the argument requires any graver consideration; it would be absurd to say that where the act speaks of a ship or vessel being forfeited with her equipments, that is satisfied and met by the mere laying down of the keel, which in no sense can be called a ship, much less any part of the equipment of a ship. If I carry your lordships with me in that observation, and if you ultimately are of opinion, as I think you will be, that it is impossible to contend that building, as distinguished from equipment and furniture, is struck at here, you will observe that there are other matters here connected with ships which are not in any way mentioned or restrained; for example, there is nothing here which restrains the hiring of a ship, or the hiring of room in a ship, for the purpose of carrying out warlike stores, to be delivered either to the ship abroad or to a port abroad; there is not a word which would indicate that that was to be an offence in any shape or form. Again, then, my lords, another observation occurs to me, which is this: if building is not struck at by this act of Parliament, it follows upon every sound principle of reasoning that when you come to deal with words, such as "equipping, furnishing, fitting out, or arming," you must take them to be words *diversi generis*, as meaning something of a different kind, something not *ejusdem generis* with building. You cannot upon any sound principle of reasoning assign so capacious and so unmeaning an object to an act of Parliament as to conceive that it does not strike at the building of the hull of a ship, but that it does strike at something which is just of the same kind and character and nature as the mere building of the hull, and which is not connected in any way with hostile or warlike ship-building. But if you adopt the argument that those words "equip, furnish, fit out, and arm" are all *ejusdem generis* among themselves, so that the character of the last will give a complexion to the whole of the four, then you at once get at an intelligible object and an intelligible meaning on the part of the legislature—namely, that it did not mean to prohibit mere building; that it did not mean to prohibit anything which was of the character of building, and as harmless as building is allowed to be, but that it did strike at something of a wholly different character, something that would turn the ship into a ship of a distinctively warlike character, and give it those attributes and powers which a ship fitted out for war would have. Now, my lords, I am still not approaching the words "attempt or endeavor," or "procure," or "be concerned in," but I am still endeavoring to find out what is the complete offence, if I may use the expression, which is struck at by this section, and the result of my arguments as I have put them before your lordships. Abandoning for a moment the verbiage of the act of Parliament, which really cumbers us, and abandoning also for a moment any question of attempt or endeavor, and pointing merely to the principal offence itself, I submit that the construction of the sentence, putting it in very short terms, is this—it is a prohibition to this effect: no person within her Majesty's dominions shall equip a ship as a ship-of-war with a view to its being used by one belligerent against another. The ingredients in the offence therefore are two-fold: first, it must be committed within her Majesty's dominions; second, there must be an equipment as a ship-of-war, by which I understand an equipment of a warlike character. Your lordships will observe that I am carefully avoiding putting the case as high as it might be put in argument. I might say it must be an equipment which will enable the ship to cruise and commit hostilities—that is, going further, then warlike equipment would not be sufficient. The learned counsel then observed on the eighth section, and made some general remarks upon the information itself. He said "he would deal with the minor words." They are, in the first place, to attempt or endeavor to equip; secondly, to procure to be equipped; and, thirdly, knowingly aid or assist or be concerned in equipping. Now, at this branch of the argument, I am entitled to assume that the view I have submitted of the principal offence is the correct one: otherwise, of course, it would not be necessary to go into the minor ones; but I will assume now, that the principal offence is an offence so constituted, that is, an equipping within her Majesty's dominions in a distinctly warlike manner a ship to be used by one belligerent to cruise and commit hostilities against the other. Now let me take, first, "an attempt or endeavor to do that." What does that mean? Does it mean an attempt or endeavor to do that out of the jurisdiction? It must, of course, be an attempt or endeavor to do the act, which, if it had gone on to its consummation, would be the offence described in the earlier words of the section. If the offence described in the earlier words of the section be to equip in a distinctively warlike manner within the jurisdiction a ship or vessel to be so used, the attempt or endeavor

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must be shown to be to equip in that distinctively warlike manner within the jurisdiction that ship or vessel so to be used. Now, I will show your lordships, when we come to the evidence in this case, that it never was once suggested that, beyond that which was actually done upon the ship Alexandra at the time of seizure, there was a grain of evidence going to show that anything of a different character, anything *diversi generis*, was to be done to the ship, before she left the jurisdiction; and I say that advisedly, bearing in mind that there was an attempt made, with which I shall qualify my statement, to show something about guns to be put on board, which was given up by the attorney general at the trial, but which I will deal with, as the attorney general has now renewed the charge. But putting that out of the case, I say it carries not the case the least further. If you rely on an attempt or endeavor, you must show that the attempt or endeavor was to do that particular act which, if the attempt or endeavor had not failed or been interrupted, would have been the offence intended by the act of Parliament. The lord chief baron: I think there cannot be a doubt that the first thing is this: before you talk about attempting, endeavoring, aiding, or procuring, or anything of that sort, you must first see what is the offence created by the act of Parliament; what is the act that is not to be done. Then, when you have ascertained what that is, there can be no doubt that to aid or abet in that, to procure that, to assist in that, and so on, is a minor offence against the same statute, but it does not create a new and different one; and I own, I think there was a great deal of mistake on that point, and much confusion has arisen from the act itself and the attempt to do it being put into different categories. I called your attention very early to-day to that distinction. Let us know what we are to understand as the act forbidden, because to assist, to aid, procure, or order, and so on, any other matter than that which is forbidden, is no offence at all; and therefore it was that I put the question to the jury, "Do you believe that this vessel was intended, before it left Liverpool or any other port of her Majesty's dominions, to be in such and such a condition, either equipped or armed," because if that was not intended, then all the assistance and doing is nothing. It was admitted the vessel was not completed. If it was not intended to put the vessel into a condition so as to complete the offence against which the act is made, all the attempts are of no importance. Sir Hugh Cairns: I should beg leave to illustrate it in this way, to meet what I understand to be the argument of the crown, intimated in the words I have read: Suppose the case of a ship clearly and admittedly unequipped, unfitted, and unarmed, but built within this country. Lord chief baron: Allow me to say that there is an omission in a part of my summing up which seems to have led to some mistake. I think the late attorney general very much misunderstood it, but everybody who read it with the smallest portion of candor must, I think, perceive that the word "if" has been left out. I am made to say this: "Because, gentlemen, I must say, it seems to me that the Alabama sailed away from Liverpool without any arms at all, merely a ship in ballast, unfurnished, unequipped, unprepared, and her arms were put in at Terceira, not a port in her Majesty's dominions. The foreign enlistment act is no more violated by that than by any other indifferent matter that might happen about a boat of any kind whatever." All that was prefixed by the word "if." Sir Hugh Cairns: Yes, it was one sentence prefixed by the word "if." Lord chief baron: I must say it seems to me that "if the Alabama" is how it should be read, and I think that no person reading it with any candor would suppose that I had taken on myself to say that the Alabama did all that, because I knew nothing about it; there was no evidence about it. The attorney general: We all understood your lordship so. Lord chief baron: It is very obvious what I mean. The attorney general: It is merely a clerical error. Sir Hugh Cairns: It is correct in one of the copies. Lord chief baron: If I had known that it had appeared in either copy, I certainly would not have said a word about it, for the accuracy of the report is really highly praiseworthy. Sir Hugh Cairns: Your lordship will find it at page 245 of the smaller copy. The attorney general: Your lordship will remember that I read from the smaller copy when I moved for the rule. Sir Hugh Cairns: You will see, my lord, it is not only that you said "if," but you said, "if it were true that." Lord chief baron: Yes.

We are now compelled to pass over the next part of the argument, owing to the very great length to which the learned counsel's argument has gone.

The question (continued Sir Hugh) I was arguing last evening was whether, supposing you could show in point of evidence that, there being in this country a ship wholly unarmed and wholly unequipped, it could be proved there was a certain equipment and armament made ready for her set apart in some store; and supposing that you had conclusive and distinct evidence that there was no intention to put that equipment or armament on board in this country, but the intention throughout was to do so without the dominions, would that be an equipment or a furnishing or a fitting out within the act of Parliament? Test it thus: Suppose an indictment were framed under such circumstances under this act, and with reference to the arming of this ship; of course it would charge that the person indicted did, within her Majesty's dominions, arm a ship or vessel of such a name with the intent mentioned in the act. How would that be supported? By a proof of this kind—not that there was any armament put on board, but there was a store in these dominions in which had been prepared an armament for the ship, but the evidence showing at the same time a clear intention to put it on board without the dominions. The answer would be that that was not an arming of the ship. You have failed in the allegation that you have made. If that be so with regard to armament, it would be so with regard to equipment, &c. Try it thus: I allege that if a

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man furnished a house. Is that allegation proved in point of fact if I show that he has not and never had a particle of furniture in it, but that a person went out and ordered furniture to be made, and had it prepared and put into a repository with a view to furnish the house at some future time and under different circumstances? You will see how far the argument I am combating will have to go, because, if the argument were a sound one, it would be equally an offence within the act of Parliament to show that there had been, within her Majesty's dominions, an armament or an equipment prepared for a ship which was never within her Majesty's dominions at all; it would be equally true to aver that A B armed or equipped, or furnished, or fitted out a ship.

The lord chief baron. Or attempted to do so.

Sir Hugh Cairns. Or attempted to do so—that is to say, if you could show that the ship being without the dominions, and never having been within them, or attempted to be brought within them, A B had prepared or attempted to prepare a certain armament or equipment with the view to be carried out of the dominions and put on board that ship. Your lordships will remember that with regard to the Alexandra there was no evidence whatever over and above what was actually done upon the ship. There was no armament, equipment, or any furniture or fitting out which could make that act an addition to what appeared upon the ship herself. Persons who take strong views say that it is a thing not to be tolerated, that the ports in this country should be turned into arsenals or used as arsenals for one of the belligerent powers. Now, if that is properly understood, I have not the slightest objection to the expression, if it means that they are not to be used to put on board a warlike equipment; but if it is intended to designate anything more than that, I entirely object to it, because there is not the slightest doubt that, according to the popular meaning of those words, the law, whether right or wrong, is so—viz: that you may turn our ports into arsenals for one of the belligerent powers. There is nothing, that I am aware of, to prevent one of the belligerent powers creating a manufactory of arms in one of our ports, for the convenience of shipment afterwards, or establishing a manufactory of arms at a seaport of this country, such as the government have at Woolwich, and make guns and small arms, and sending them away by ships, subject of course to the liability of being captured as contraband goods. Unfortunately, having gone through the observations which I had to make upon the construction of our English act, I am not able to supply your lordships with any judicial authority upon the subject of the construction of the act in this country. The fact is, as has been stated, I believe, on both sides of this case—and I believe it is accurate, so far as we know—that there never has been an instance in this country where any judicial construction has been put upon this act of Parliament.

The lord chief baron. My brother Martin intimated to us that he recollected perfectly well a case tried before Mr. Justice Coltman.

Sir Hugh Cairns. That was the case of a Sicilian ship—Granleli's case.

The attorney general. We have a note of the summing up in that case. I cannot say much about its authenticity, for it does not come from a source the courts are in the habit of looking at; but if it be accurate, it seems to have been ruled by the learned judge on that occasion.

Mr. Locke. I have it from *The Times* newspaper, my lord.

Mr. Baron Channel. Lord Chelmsford was the attorney general of the day; I think he was in the case.

Mr. Locke. There is a full report of that case in *The Times* newspaper of the 6th of July, 1849. I do not know whether your lordships will pay attention to a report of that kind, but it seems very accurately done, and there is the summing up of Mr. Justice Coltman. I should also tell your lordships that Mr. Justice Maule was on the bench at the Central Criminal Court along with Mr. Justice Coltman upon that occasion, and there is one very important observation.

The lord chief baron. As far as my experience goes, the circumstance of a learned judge being present has very little to do with an opinion about the matter. Unless in cases of very serious importance, there are seldom two judges present in the same court; that is for the public convenience.

Mr. Locke. The case occupied no less than four days in being tried, and on the one side was Sir Frederic Thesiger, and on the other Sir Fitzroy Kelly, besides other counsel.

Mr. Baron Channel. The corporation of the city of London employ a short-hand writer; whether they did so at the time or not, I do not know.

Mr. Locke. Yes, my lord.

Mr. Baron Channel. The report furnished by the short-hand writer is not a full report of the case—that is to say, of the speeches of counsel; but all points of law ruled are taken notice of, and it is printed by some booksellers in Chancery lane, who publish it; it comes out quarterly or monthly, and copies of that work are sent to the judges. Whether that practice existed at the time when the cause now referred to was tried or not, I do not know; if it did, we can have a copy.

Mr. Locke. I can tell your lordship exactly what the practice was at that time, as it now is. A short-hand writer is employed by the corporation, and copies are sent to all the members of the corporation. I do not know whether to the judges or not.

Mr. Baron Channel. Yes; they are sent to the judges.

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Mr. Locke. That short-hand writer merely takes down the evidence. There are no objections by counsel taken down, nor any arguments, nor any summing up of the judges. It is simply the evidence. I have that book, if your lordships like to consult it; but, in consequence of there being no points taken, nor any summing up, I consulted *The Times* newspaper as the best medium that I could adopt, and I there find a very long report during four days, and one or two objections which were taken—one by Sir Fitzroy Kelley, which bears directly upon the question, which was overruled by Mr. Justice Coltman—and likewise the summing up of the judge. It is given at great length.

Sir Hugh Cairns. Perhaps my learned friend will allow us to see the note, *va'eat quantum*, which he has been able to obtain. I recollect, my lord, proceedings which took place on the subject elsewhere.

The lord chief baron. It is not usual in this court, nor I believe in any court, to refer to the report of a trial in a newspaper.

Sir Hugh Cairns. No doubt, my lord, that would be very inconvenient, and I do not propose it at present.

The lord chief baron. The only use I can make of it is this—that my brother Martin, who was present at the trial, should be furnished with the newspaper report to refresh his recollection; and if he could report to us anything which was decided, it might be useful. I think that is the only way in which one could apply it.

Sir Hugh Cairns said that he was not aware of any other case having arisen upon the construction of the foreign enlistment act, and it was remarkable from the fact that seventy years had now passed from the passing of the original American act, and forty years had elapsed since the English act was passed; and he could safely say that occasions must have arisen in the United States repeatedly, and in this country also, where they would have found instances of ships built in such a way as to be easily convertible into ships-of-war, taking their origin in ports of the United States, while a neutral power, or in ports of this country, while a neutral power, and leaving those ports without warlike equipments. Instances must have arisen, again and again, in which those ships might have been made the subject of proceedings under the foreign enlistment act, if it had ever occurred to the mind of any power that proceedings could be taken in a case where you had not the warlike equipment on board the ship. I will now, said Sir Hugh Cairns, call attention to a matter—to the Terceira affair. It occurred about the year 1830, when warlike proceedings were taking place between those who supported Don Miguel on the one side, and the Queen of Portugal on the other. A number of Portuguese refugees came to this country, obtained a ship at Plymouth, and sailed in her for Terceira, having exported in another vessel a quantity of arms and equipments which they caused afterwards to be transferred on board their own ship, and our government, feeling annoyed, took a step which provoked considerable discussion, viz: gave directions to our ships-of-war to intercept the vessels and fire upon one of them, which they accordingly did as she lay in the waters of Terceira. On the part of our government it was said, that suppose our ships did fire on the vessel in the waters of Terceira, still, while they were in this country they committed a breach of the foreign enlistment act, and made themselves liable to capture and detention, because they did not put their armament on board the ship in which they left this country, but sent it out with a view of transferring it into their own ship and incorporating the two. If that were true it could not justify the attack made, as it was within the dominions of another power, for an alleged breach of our own foreign enlistment act. Mr. Huskisson, in his place in Parliament—a minister who had taken part in the passing of the foreign enlistment act, and one of the supporters of the policy of it in general, for he was a colleague of Mr. Canning—is reported to have said, in the third volume of his speeches, at page 559:

"It might have been supposed from my right honorable friend's remarks, that during the fifteen years we have been at peace our neutrality had never before been violated. Has my right honorable friend forgotten the repeated complaints made by Turkey, and has he forgotten that to these complaints we constantly replied, 'We will preserve our neutrality within our dominions, but we will go no further?' Turkey did not understand our explanation, and thought we might summarily dispose of Lord Cochrane and those other subjects of his Majesty who were assisting the Greeks. To its remonstrances Mr. Canning replied, (and my right honorable friend being then a colleague of Mr. Canning, must be considered to be a party to his opinions,) 'Arms may leave this country as a matter of merchandise, and, however strong the general inconvenience, the law does not interfere to stop them. It is only when the elements of armaments are combined that they come within the purview of the law, and if that combination does not take place until they have left this country we have no right to interfere with them.' Those were the words of Mr. Canning, who extended the doctrine to steam-vessels and yachts that might afterwards be converted into vessels-of-war, and they appear quite consistent with the acknowledged law of nations."

Now, my lords, this is not the mere statement of opinion of Mr. Huskisson. If it were, of course it would be entitled to respect, and nothing more. This is the statement of a public act, done by a minister of this country in the administration of the affairs of this country, and in the dealings between this country and foreign powers. This is a statement made by a person who had been a minister at the time of which he spoke of a complaint which had been made by Turkey, at the time when Lord Cochrane was engaged in one of those expe-

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ditions in which, in his early life, he was concerned. Turkey complained that that was being done. Turkey complained of the export of arms, and ships leaving the country, though not armed, and the answer stated by Mr. Huskisson to have been made by Mr. Canning is this: "It is only when the elements of armaments are combined that they come within the purview of the law; and if that combination does not take place until they have left this country we have no right to interfere with them." Now, those clearly were the cases where, if the doctrine now put forward had been considered to be the true exposition of this act of Parliament, there would have been a right to interfere on the part of the government, and we may presume that proceedings would have been taken to prosecute those ships. Now, my lords, I will come to the cases that were mentioned in the course of the trial of the Oreto and the Alabama, and speak of them as if they had occurred twenty years ago, and simply matter of history; and if I refer to the words of others I do so merely as indicating the course that was taken with reference to those ships upon the act of Parliament. The whole record of the proceedings of these vessels may be found in the new edition of Mr. Wharton's book on international law. The case of the Oreto was simply that she was built at Liverpool, left that port unarmed, was subsequently equipped, and became a war-ship in the confederate navy. I will take the case of the Oreto first. This is the statement which I find made in Parliament by one of the advisers of the crown with regard to the Oreto, and it will be a statement, I think, bearing directly upon the view taken of the construction of the act of Parliament. "The Oreto," says the solicitor general, (Sir Roundell Palmer,) in Parliament, upon the 11th of March in this year, "was made the subject of due representation only once before she left this country, because she sailed from Liverpool on the 22d of March clandestinely, as did the Alabama, and it was only on that same day that a conversation took place between Mr. Adams and Lord Russell, which might have led to her detention if she had not gone. On the 18th of February the first and only previous information communicated to our government was given by Mr. Adams. He stated a case which clearly called for inquiry. The commissioners of customs were directed to make an inquiry; they did so, and on the 22d of February they reported that circumstances worthy of credit tended to show that the Oreto was going, or at all events was credibly represented to be going, to Italy, and not to America, and not a particle of evidence had been offered to the contrary. She was not then fitted for the reception of guns, and had nothing on board but coals and ballast. There was consequently nothing to justify her detention—nothing but vague rumors and suspicions. No further representation was made, and the Oreto sailed on the 22d of March. What then happened? The circumstances of her departure, and the contemporaneous representation made by Mr. Adams to our government, made it probable that she was really intended for the Confederate States, and that our officers had been imposed upon. Still, the case was not clear; there was nothing proved to have been done in England which a court of law would certainly have construed as a violation of the foreign enlistment act. Nevertheless, our government immediately sent orders to Nassau, whither she was understood to have gone, and when she arrived there she was watched. Upon the appearance of a delivery of stores which appeared to be munitions of war into the Oreto while in our waters, although the case was doubtful, and it was questionable whether the evidence would prove sufficient, still, to show our good faith, we strained a point, and, acting upon some evidence, the Oreto was seized. What was the result? She was tried and acquitted, the evidence not being sufficient. Now my observations upon that are these: Here is a statement that the Oreto left Liverpool; that at the time when she left Liverpool she had no warlike equipments on board, but of course, from the nature of the case, she was prepared and able to sail away from Liverpool. She came to Nassau; she is still within our jurisdiction. Before she came to Nassau it has become clear that she was not going to Italy, where she had been said to be going originally. The circumstances were supposed to be sufficiently clear to justify a case made that she was going to be employed by the confederate powers. What was the course taken? Do they say the mere fact that she was able to sail away from Liverpool—the mere fact that she had on board those appliances which would enable her to sail from the port of Liverpool, although she had no warlike equipment on board, will be enough when coupled with the intent to be employed in a particular way, of which we now have evidence? Nothing of the sort. The *gravamen* of the charge is that she took in munitions of war while in the waters of Nassau. I desire to put it no further than it ought properly to be put. I say that that is clearly a statement that the view taken by those who took proceedings against the Otero was that, short of something that could be called a warlike preparation, they could not institute proceedings against the ship; that there was nothing which amounted to a warlike preparation until she came into the waters of Nassau, and it was in respect of that preparation that she was seized. The Oreto was tried at Nassau, in the vice-admiralty court, and was acquitted. Now, the case of the Alabama was dealt with at the same time, and the facts respecting it I am willing to take in the same way and upon the same statement. Now, with regard to the Alabama, I find this:

"On the first of July the commissioners made their report to Lord Russell. They said it was evident the ship was a ship-of-war. It was believed, and not denied, she was built for a foreign government, but the builders would give no information about her destination, and the commissioners had no other reliable source of information on that point. Were our government wrong in not seizing the vessel then? The circumstances disclosed in the case tried

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before Justice Story were so far exactly the same as those which occurred in the case of the Alabama, and, in the absence of any further evidence, the seizure of that ship would have been altogether unwarrantable by law. She might have been legitimately built for a foreign government, and, though a ship-of-war, she might have formed a legitimate article of merchandise, even if meant for the Confederate States."

I will now refer to another part of the same speech:

"What is alleged against us? What is the extent of the acts committed, even by individual subjects of this country, which can be considered contrary to any law of our own? Why, the building of these two particular ships. If our law failed to reach them while they were within our jurisdiction, and if nothing was done by them in our ports or in our waters which was against international law, how can we be held responsible for their subsequent proceedings when on the high seas? It was not till the Alabama reached the Azores that she received her stores, her captain, or her papers, and that she hoisted the confederate flag. It is not true that she departed from the shores of this country as a ship armed for war."

I do not, said Sir Hugh Cairns, understand language if that does not mean that the point in the case with regard to the Alabama was this: That although there might have been evidence (perhaps not conclusive, but still evidence enough to launch a case) as to the intent with which she left our shores, still there was that wanting which bore upon the other, and equally essential, part of the case. She did not leave our shores as an armed vessel; and more than that, she did not receive anything which could be called warlike equipments until she had reached the Azores. But, my lords, the matter regards a subject of history with reference to the Alabama which is made plainer still, because after this statement of the course pursued with regard to the Alabama was made, and before the seizure of the Alexandra took place, and when certainly the public mind was anxious to know what was the line of duty which subjects of this country should pursue upon matters of this sort, I find that this statement was also made with regard to the Alabama. The prime minister, a fortnight after the statement which I have already read, said this—I refer to the 170th volume of the *Parliamentary Debates*, and to the debates of the 27th of March, 1863: "I have myself great doubts whether if we had seized the Alabama we should not have been liable to considerable damages. It is generally known that she sailed from this country unarmed and not properly fitted out for war, and that she received her armament, equipment, and crew in a foreign port. Therefore, whatever suspicions we may have had, (and they were well founded, as it afterwards turned out,) as to the intended destination of the vessel, her condition at that time would not have justified a seizure." Now, the distinction is as clearly drawn as words can draw it between the intended destination, as to which there might be some suspicion, which would be matter of evidence, and that which was a fact *patens ad oculos*, namely, the condition of the ship; and here a statement, made by those who had considered the authority of an act of Parliament of this kind, that a ship not fitted out with warlike equipments when she leaves this country, whatever our suspicions may be with respect to her destination, cannot be made the subject of seizure, because her condition is not such as to be pointed at by the act of Parliament. My lords, I cannot help taking notice here of a statement made when the rule was being moved for by the attorney general. It was my learned friend who referred to the case of the Alabama in this discussion. My learned friend said, according to the note which I have seen of the statement, that, according to his judgment, those who were engaged in the despatch of the Alabama from this country had rendered themselves liable to the penalties of this act of Parliament

The attorney general. I said so in the speech from which you have been reading.

Sir Hugh Cairns, in substance, said when the evidence was completed it was laid before the learned gentleman, who thought there was a sufficient case to warrant her detention. What that evidence was he (Sir H. Cairns) did not know. He had a statement with regard to the condition of the ship when she left this country, and there was no case, in his opinion, to warrant her detention. A distinction was drawn by the attorney general between what he called her structure and things superadded to it. The learned counsel then went through the evidence of Mr. Morgan, by whom the Alexandra was seized, and the evidence of Black, who said the ship's frame was of British oak, and her planking of teak, and who spoke generally of the very strong manner in which she was built, her upper deck being of pitch pine, and the ship, in his opinion, being only suited for war purposes Mr. Green was the next witness upon whose evidence he commented, and he said that ships were not built so well now as they were twenty years ago. He said the rudder of the Alexandra was stronger than would have been used in merchant vessels. Carter was the next witness whose evidence was dealt with. Hodgson was the next witness. Sir Hugh continued, observing that there was not a scrap of evidence that the guns were intended for the Alexandra As to guns intended to be put on board the Alexandra, the attorney general, at the time, opened his case as to this by stating that there were one large

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and two small pivot guns being constructed in the foundry of the defendants for the purpose of being placed in and forming part of the armament of the Alexandra. Sir Hugh then read and commented upon the evidence of the three witnesses called on this point, and contended that there was not a scintilla of evidence that these guns were intended for the Alexandra. They were being made, no doubt, at the same time with the ship, but there was no evidence to connect them with the ship. On the question of equipping or armament, the structure of the hull is unimportant, being in no sense equipment. Machinery and stanchions for hammock nettings were also matters of structure. These things were on board, but were not fittings of any kind, but part of the ship. Stanchions for hammock nettings are original inventions, applicable to be used in all kinds of ships—useful, no doubt, to resist musketry, but also useful for the stowage and airing of hammocks. All these things, therefore, may be and are essential parts of the ship as a ship, and not in any sense warlike equipments.

To Baron Bramwell's question as to whether he meant to contend there was no evidence whatever, he explained that he did not contend, and had no occasion to contend, that there was no evidence whatever, and that the case should not have been left to the jury; but there was no evidence on which a new trial ought to be granted as for a verdict against the weight of evidence; that the case had been left to the jury, and they had found for the defendants

It was suggested by Baron Bramwell, interrogatively, that the defendants might have been called as witnesses; he remarking, at the same time, that if they could have been called, slight evidence, unanswered by them, might have had great weight with the jury.

The attorney general here expressed his opinion that the defendants could have been called as witnesses, and some time was occupied by the court looking into the cases and authorities on this subject. The case of "The Attorney General *vs.* Radlock" (10 Exch.) was referred to, and it was mentioned that the views of the law taken in that case by the lord chief baron and Baron Parke had been since adopted by the legislature and passed into law, rendering defendants admissible witnesses in certain revenue cases; and the question arose, on this last statute, whether the proceedings under the foreign enlistment act came within it. The court did not finally decide the point, but appeared to think that the course taken at the trial did not strictly put the defendants' counsel to the alternative of calling his witnesses. Baron Bramwell observed that he thought, on the part of the people holding the position of British merchants, if they believed what they did to be within the pale of the law, the more manly course would have been to have come forward and state what they actually did, and stand upon their legal right to it.

The argument was then resumed by Sir Hugh Cairns as to the guns to be put on board. He referred to the opening by the attorney general at the trial, in which he admitted the inability of the crown to connect the guns assumed to be for the Alexandra with the defendants' yard. It was proved that there had been drawings made for the defendants, by their directions, of certain guns and gun carriages, and notice to produce the drawings had been given by the crown; but an objection having been taken to it by the defendants' counsel, the learned judge decided that the notice was informal, and therefore the defendants were not bound to produce the drawings. Sir Hugh Cairns said that he had now concluded his argument on that part of the case which dealt with the condition of the ship, and he would now go into the question of the evidence relied upon by the crown—that part relating to the intent, the act of Parliament requiring not only an equipment, but that it should be done with an intent to commit hostilities. Was there any reason, continued Sir H. Cairns, after the confession of the attorney general himself that the crown had failed to trace the connexion between the guns in the defendants' manufactory and the Alexandra, was there any necessity whatever for those against whom the accusation was brought to offer themselves to be examined on the subject? I think, after the fair admission made by the late attorney general, (and everything he said was most fair,) I may consider the count relating to the guns as struck out of the information. Now reverting to the question of intent. The act requires not only an equipment, fitting, furnishing; and arming, but that all or one should be done with the intent that the ship should be employed by one belligerent power to cruise and commit hostilities upon the other. If my view upon the first part of the case be correct, viz., that there must be an equipment or an attempt to equip at a certain time, the question is immaterial. Then the secondary question, viz., the use that was to be made of the ship, as between one belligerent and another, would, of course, become utterly immaterial. It is only on the supposition that the ship was in a condition to comply with the earlier part of the clause that we have to approach and consider the second question. With regard to the species of intent composing a case like the present, the case of "The United States *vs.* Quincy" is an authority. The court thought in that case that instructions ought to be given to the jury that the offence consisted principally in the intention with which the preparations were made, and they must be made, according to the act, within the limits of the United States, and that the inten-

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tion, which must be a fixed one, not conditional or contingent, should be formed before she left the United States. The intention belongs exclusively to the jury to decide. It was the material point, on which the legality or criminality must turn, decided, whether the adventure was of a commercial or warlike character. Now, said Sir Hugh, I will show the view taken of the intent in the present case by the attorney general at the trial. He said the intent must be the intent of one or more, having at the time the means and opportunity of forwarding or furthering such intention by acts. By intent undoubtedly the act means practical intent. It was for the crown to make out their case. We maintained at the trial that the evidence did not support their case. We challenged the credit and credibility of the witnesses examined at the trial, and we had good cause for doing so. The learned counsel went through the evidence generally in the whole case, arguing that it had failed in every particular

Baron Bramwell asked if Sir Hugh was contending that there was no sufficient evidence that the vessel was intended for the Confederate States at all, armed or unarmed.

Sir Hugh Cairns said that he was contending that the verdict was not against evidence, supposing the verdict to have proceeded upon that ground.

Baron Bramwell said, Suppose the jury had thought in their own minds that they thought she was meant to be armed or equipped for warlike purposes, but were not satisfied that she was intended for the confederates; would the learned counsel hold that that would not have been a verdict against evidence?

Sir H. Cairns said, Yes, certainly; they could not tell what was passingin the mind of the jury. They might have determined either or both those things in favor of the claimants; but the claimants were challenged by this rule virtually to meet the crown on both parts of the case.

Baron Pigott said, We understand you are contending that there was evidence that justified the verdict in either view of your argument as to the meaning of the 7th section of the act.

Sir Hugh Cairns. Quite so, quite so, my lord.

The lord chief baron. The question I put to the jury was this: Do you believe that there was any intention of doing the act quite apart from the intent; was there an intention to do that, a commencement of that, which would be either a fitting, or furnishing, or arming of the ship, no matter with what intent, to go against anybody; would it be in that condition so as to be within the meaning of the words; would it be equipped, or furnished, or fitted out, or armed? because if it were so, it is a matter of perfect indifference whether it was for the Confederate States or not.

Sir H. Cairns said, Quite so. The trial has been conducted upon the assumption that we might succeed on both parts of the case. Sir H. Cairns then went at some length into evidence given by the several witnesses at the trial, as well as into the character of the evidence itself, contending that the major part of the evidence was extremely unsatisfactory, and that under any circumstances it could not have justified the jury in finding for the crown. It was for the crown, in a case of forfeiture, or in a case of an offence, to prove their case with a reasonable certainty; and if the verdict had been different from what it was, the defendants would have had good cause to complain. The question of intent was one for the jury, and if they arrive at the conclusion that the intent had not been made out, then they were clearly warranted in arriving at the conclusion they had. I now come to the last point in the case, and that is the direction which was understood to come from the lord chief baron, and to apply that direction to the law and facts I have mentioned. I have had an opportunity of reading the short-hand writer's notes in two different editions, and I may say of the charge of the learned judge that the propositions deducible from it would carry to the mind of the jury a sufficient and reasonably proper explanation of the law of the subject as applicable to the case. The propositions I deduce are four in number, though they go to make up one general view of the case. One is, that to build a ship, as distinguished from equipping, fitting out, furnishing, and arming her, is not an offence within the act of Parliament, even although easily convertible into a vessel-of-war; but I am speaking now irrespectively of the question whether it was intended to sell a ship as an article of merchandise or not. I understood the charge to go to this, that the building of a ship is distinct from equipping her, &c., although she might be easily convertible into a ship of-war. The lord chief baron said that it was as plain as possible that you must give some effect to the omission of the word "build," or it would have been said you shall not build. The second proposition he conceived to be laid down was that the Alexandra was not armed, and that it was for the jury to say whether she was equipped, &c., or intended so to be, within the Queen's dominions. The third proposition which I recollect was that the equipment, &c., must be of a warlike character; and the fourth, that it was for the jury to say whether they considered there was any intention to employ the ship to cruise and commit hostilities at all. Sir H Cairns then called the attention of the court to several passages of the lord chief baron's summing up. It was perfectly apparent, said Sir

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Hugh, that no person could contend for a moment that the jury could have misunderstood the matter, that where the judge spoke of the building of ships as not being prohibited he meant to refer to the building of ships as distinguished from what might be meant by those other words, equipment, &c. Upon the second point that was presented to the jury the learned judge said the offence against which the information is directed is the equipping, fitting out, furnishing, and arming. He had looked in *Webster's American Dictionary*, and found that to equip was to furnish with arms. In the case of a ship, especially, it was to furnish and complete with arms. Furnish was given as the same thing with equip. To fit out was to furnish and supply; and the judge owned that in his opinion equip, fit out, furnish, or arm, all mean precisely the same thing.

The remarks of the learned counsel upon the summing up and the effect of it run to a considerable length, and we shall give it to-morrow, together with Mr. Karslake's argument, who was addressing the court, and had not concluded his argument when the court rose.

COURT OF EXCHEQUER, *November* 19, 1863.

The attorney general, the solicitor general, the Queen's advocate, and Mr. Thomas Jones, appeared for the crown; Sir Hugh Cairns, Mr. Karslake, Q. C., Mr. Mellish, Q. C., and Mr. Kemplay, appeared for the defendants.

We continue our report of the arguments in this case from where it finished yesterday. Sir Hugh Cairns having gone most carefully and at considerable length through the whole case, said that he should finish by touching upon the point relating to the direction which was understood to have come from the lord chief baron, and submit the propositions which he understood were deducible from the charge. The first was, that to build a ship, as distinguished from equipping, fitting out, furnishing, and arming her, is not an offence within the act of Parliament, even although the ship so built might be easily convertible into a ship-of-war. 2. That the Alexandra clearly was not armed, and that it was for the jury to say whether she was equipped, fitted out, or furnished, or intended to be so, within her Majesty's dominions. 3. That the equipment, furnishing, or fitting out must be of a warlike nature. 4. That it was for the jury to say whether they considered that there was any intention of employing the ship to cruise and commit hostilities at all. Sir Hugh said that he did not mean to say that these propositions had been absolutely laid down by the learned lord chief baron, but they were those which he thought fairly deducible from the charge to the jury; and, if he were right in his deductions, the court would then probably be of opinion that the propositions would carry to the mind of the jury a sufficient and reasonably proper explanation of the law on the subject as applicable to the case before them. With regard, first, to the fourth proposition, Sir Hugh said it seemed to him that if any person had a right to complain of it it was the defendants, for they might complain that it was a proposition quite unnecessary, and was putting the case in an unfavorable way for them. The proposition might have been limited to this, to say whether there was an intent to employ her to cruise and commit hostilities on the part of one belligerent against the other belligerent. Sir Hugh Cairns continued: Allow me first to refer in support of the first proposition. After referring to certain authorities—Justice Story and Mr. Chancellor Kent—his lordship says in his charge:

"These gentlemen are authorities which show that where two belligerents are carrying on war the subject of a neutral power may supply to either, without any breach of international law, and certainly without any breach of the foreign enlistment act, (and it does not say a word about it,) all the munitions of war, gunpowder, every description of firearms, cannon, every kind of weapon—in short, whatever can be used in war for the destruction of human beings who are contending together in this way. But, gentlemen, why should ships be an exception? In my opinion, in point of law they are not. Presently I shall have to put to you the question of fact about the Alexandra, which you will have to decide. The foreign enlistment act it is now necessary for me to advert to, in order to tell you what is the construction which I put on the 7th section, which alone we have to do with on the present occasion."

It is clear that his lordship speaks of ships being built, as distinguished from whatever might be meant by equipping, furnishing, fitting out, and arming. His lordship says in another part of this charge, which I will read to you:

"Now, with respect to the question of building, it is certainly remarkable that there is not a word said about it. It is not said that you may not build ships for the belligerent power. There is nothing suggested of the kind, and clearly, by the common law and by the passages I have read to you, surely, if from Birmingham either state may get any quantity of destructive instruments of war, and if from the various parts of the kingdom where gunpowder is made they can obtain any quantity of that destructive material, why should they not get ships? Why should ships alone be contraband—that is to say, forbidden by the statute?"

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The jury could not have misunderstood this. Where my lord speaks of the building of ships as not being prohibited, he means to refer to the building of ships as distinguished from what might be meant by those other words "equip." &c. As to the second point, I will go to the view presented to the jury about the Alexandra, and her condition with reference to the 7th section. The reports do not quite agree; there is a slight inaccuracy in a part of a passage which may affect the whole, and I will call attention to it at a proper time. His lordship, after remarking that he had been looking into Webster's American Dictionary, a work of great learning, research, and ability, said:

"It appears that to equip is to furnish with arms. In the case of a ship, especially, it is to furnish and complete with arms; that is what is meant by equipping. 'Furnish' is given in every dictionary as the same thing as 'equip.' To fit out is to furnish and supply—as to fit out a privateer; and I own that my opinion is that equip, furnish, fit out, or arm, all mean precisely the same thing."

There cannot be the slightest doubt that in one sense those four words do mean the same think; that is, no person could doubt for a moment that to equip would include all equipments, and also that equipments would be a *nomen generale* Of course "arm" would be included in the term "equip," &c Then the learned judge says:

"I do not mean to say that it is absolutely necessary, (and I think the attorney general is right in that;) it is not, perhaps, necessary that the vessel should be armed at all points."

Now, with regard to that. I cannot help thinking that there is a slight inaccuracy in the report, because our report differs from it. The lord chief baron is made to say:

"I do not mean to say that it is absolutely necessary, and I think the learned attorney general is right in that."

Now, that is one sentence It goes on:

"It is not, perhaps, necessary that the vessel should be armed at all points, although it may be that the case cited from 6 *Peters's Reports* by the attorney general, somewhat late in the day, is a case where the jury actually found that the vessel was fitted out"

Now we find that immediately afterwards that the learned judge takes distinct note that the Alexandra was not armed at all, but still this was a question to be submitted to the jury, notwithstanding that it seems to me perfectly obvious that just a word or two has dropped out from the sentence It is reasonably clear that he must have said this:

"I do not mean to say that it is absolutely necessary that she should be armed, and I think the attorney general is right in that, and it is not necessary that she should be armed at all points."

Because, otherwise, there would have been an end of the case. There would be nothing to go or to leave to the jury if his lordship had meant to say, "It is not necessary that she should be armed at all points," implying that it is necessary that she should be armed at all points.

Baron Bramwell. That would probably not be agreed to by the other side for this reason—that if there was an intention to arm, and they were preparing the ship to receive arms, that would be enough.

Sir Hugh Cairns. You must bear in mind the statement of the attorney general in reply; he had conceded—I may say literally *in verbis*—conceded the question of any intention to arm.

The attorney general. I distinctly differ from my learned friend.

Sir Hugh Cairns. I expect that my learned friend will "distinctly differ" with everything he has heard from beginning to end. I say that the lord chief baron in leaving this question to the jury—"Was there an intention that she should be furnished, or fitted out, or equipped at Liverpool?"—it being admitted that the information did not charge arming, left exactly the question which under the act of Parliament ought to have been left to them. Now, as to the character of the equipment which must be on board, to which throughout the whole of his charge his lordship must have been taken to have been pointing, your lordships will find in another part of his charge these words:

"Now, gentlemen, the question that I shall propose to you is this—whether you think that this vessel was merely in the course of building for the purpose of being delivered, in pursuance of a contract which I own I think was perfectly lawful, or, whether there was any intention that in the port of Liverpool or any other English port (and there certainly is no evidence of any other) the vessel should be equipped, fitted out, and furnished, or armed, for the purpose of aggression? That is the question."

Now, my lords, lower down you will find, after speaking of Captain Inglefield's evidence:

"In short, what he makes out is that she might have been built as a vessel capable of being convertible into a war vessel. But the question is, was there any intention that in the port of Liverpool, or any other port, she should be, in the language of the act of Parliament, either equipped, finished, fitted out, or armed with the intention of taking part in any contest?"

Now, we might have demurred to this proposition, but not so the crown. If she had

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not been armed, equipped, furnished, or fitted out with the intention of taking part in any contest *a multo futiore*, she could not have these things done to her with the intention of being employed in the service of the confederates, to cruise and commit hostilities against the United States of America. I submit that the charge, looked at in the way that I have ventured to put it, will in substance be found to have directed the attention of the jury to everything which ought to have been laid before them as a matter of law as well as on the issue of fact to be decided between the parties. I submit with confidence that on the evidence it is utterly impossible to say that a jury was not warranted in coming, on the facts, to the conclusion that they had done. The evidence for the crown failed to prove the charge made. If the law is as the crown allege it to be, I say it is impossible to suppose—carrying in mind the fact that seventy years have passed since the passing of the American act, and forty years gone since our own was enacted—that cases would not have occurred again and again when seizures and forfeitures would have been made under the penalties of this act. I say the case they are bringing forward is against the history of legislation on the subject; it is against the true and sound construction of the municipal act of Parliament on the subject; it is against the declarations which have been made by every one who had a right to control the movement of the crown, or to direct or advise the movements of the crown, in putting this act into execution from the time the act first attracted public attention, and I trust that your lordships will think that the litigation we have had in this case is enough: that full, perfect, and complete justice has been done between the crown and these claimants on a statute of this kind; and I trust that your lordships will think that there should be no further litigation in this case.

Mr. Karslake, Q. C., followed on the same side. He said it would be convenient to follow the course of his learned friend, Sir Hugh Cairns, and in the first place consider what the construction of the language of the statute was upon which the information had been filed, what the evidence had been in the case, and what the charge of the lord chief baron to the jury was, and what was now complained of. The motion of the learned attorney general upon which the rule was granted was rather directed to this—that the verdict was against evidence as the case was left to the jury, and according to the lord chief baron's view of the law; but, assuming his lordship's ruling to be wrong, that the evidence would have supported the verdict had it been for the crown. The question would therefore substantially resolve itself upon that part of the case into this: whether there had been a misdirection on the part of the learned judge.

The attorney general said that his learned friend must not forget that he (the attorney general) took a certain view which might possibly turn out not to be correct; and supposing that view was not correct, then he adhered to his motion on the ground of its being against evidence.

Mr. Karslake. We have the information that my friend, in some view or other, considers that the verdict was not warranted by the evidence given in the case, and upon that ground he asks for a new trial—that is, that the verdict was against evidence; and he also says that there has been a misdirection by the learned judge, and he is allowed to adopt a course which is not allowed to be adopted generally by other litigants in this court, viz: to state generally that there has been misdirection, and by-and-by to contend that there has been misdirection without informing his opponent what the misdirection is. Mr Karslake stated that as the full history of that which led to the passing of this statute had been gone into so fully by Sir Hugh Cairns, he would trouble the court very little further upon it, but he would call attention to an authority which was earlier than that even of 1793, and which would be found in Forteseque's Reports, page 338, curiously enough, under a discussion by the judges as to the precedents of the judges—the *dictum* as to what had been the advice given by the judges in the house of lords as to the right of building ships-of-war for foreigners in this country, and it appeared to him extremely important for the purpose of ascertaining what was declared as long ago as 1713, and again in 1721, to be the opinion of the judges as to the right of fitting out warlike ships for warlike purposes in this country. The following passage occurred:

"In Michaelmas vacation, 1721, the judges were ordered to attend the house of lords concerning the building of ships-of-force for foreigners; and the question the lords asked the judges was whether, by law, his Majesty had a power to prohibit the building of ships-of-war or of great force for foreigners in any of his Majesty's dominions; and the judges were all of opinion, except Baron Montague, (Chief Justice Pratt delivered the opinion,) that the King had no power to prohibit the same, and declared that Montague had said that he had formed no opinion thereon. This question was asked on occasion of ships built and sold to the Czar being complained of by the minister of Sweden. Trevor and Parker gave the same opinion in 1713."

There (said Mr. Karslake) your lordships have an opinion given by the judges that the crown could not interfere to prevent ships-of-force being fitted out with warlike equipments in this country for foreigners—at all events in the years 1713 and 1721.

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The lord chief baron stated that the last time the judges were assembled in that general way to have a question put to them, without hearing any argument on either side, Mr. Justice Maule refused to give any opinion at all, saying that unless the matter was argued before him, so that he might know what was to be said on one side or the other, he should decline giving an opinion. The question, perhaps, was never argued.

Mr. Karslake. Very possibly.

Baron Bramwell. We are summoned by our writs to advise the house.

Mr. Karslake. I believe at the time it was the common practice for the judges to give information to the crown when asked.

The lord chief baron. Not only in the house of lords, but it was not an uncommon thing, you will find, for the judges to be assembled for the purpose of giving an extra-judicial opinion. They were assembled once upon the question of the right of the sovereign to control the whole of the royal family, and as to giving him, during the life-time of the Prince of Wales, a control over the Prince of Wales. He was considered to be the father of the royal family. The judges, certainly not in the house of lords, but in Serjeant's inn, were assembled and gave an opinion, and they have been in the habit of doing it on other state occasions.

Mr. Karslake. I only cited that opinion to show what might be considered to be the law here previous to the passing of the act of Congress. After the learned counsel had gone largely into the reasons of both countries, America and Great Britain, for enacting acts to prohibit the enlisting of their respective subjects in foreign armies, &c., and followed, of necessity, very much upon the arguments of Sir Hugh Cairns, he proceeded: I will assume, then, that supposing the hull of a vessel, which is capable of being used for warlike purposes after it had been equipped and fitted out, is sent from this country for the purpose of being used for those purposes, but is towed away as a mere hull, inasmuch as there is no prohibition of such an act to be found in this statute, that act itself will be legal, and I say that because it is necessary there should be something more than a vessel which is to be forfeited. It must be a vessel in a particular state and stage of completeness—that is, not simply in the state of a hull, but a vessel furnished, equipped, fitted out, or armed—which is to be the subject of forfeiture under the 7th section. If a ship-builder has a right in common (and I venture to think he has) with other merchants in this country to supply contraband up to a certain point, the question is, where your lordships will draw the line, and whether your lordships are to give the extremely liberal construction which the attorney general claims for this statute, or whether the more limited construction which we seek to put upon it is the construction to be placed upon the terms of the act. It is rather, under the circumstances, for your lordships to put a limited than an extended construction upon the act, making every vessel built under circumstances of suspicion liable to the forfeiture which is claimed by the crown. Now, I understand my friend on the other side to say, once let a vessel in common parlance become a ship, add to that vessel the stanchion of a hammock netting, she is then equipped sufficiently for the purpose of this statute, provided that you find that that equipment is with the intent charged by the statute.

Baron Bramwell. That if you get clearly to the intent that gives the equipment.

Baron Pigott. First the act and then the intent

Mr. Karslake. Or it may be simply the intent and then the act, for it is immaterial which you take first, according to the facts of this case that it refers to. After going into an argument upon the construction of the statute, &c., Mr. Karslake said: I want to impress upon the court, that on the part of the person who is the owner or controller, for the time being, of the vessel, there must be that fixed intention which is mentioned in the case of the "United States *vs.* Quincey," and that you must ascertain who is the person who has that fixed intention before you can claim the forfeiture of that vessel. It will be extremely material to bear that in mind, as in this case there are twenty or thirty persons charged with having said this or that about the vessel, the attorney general saying, "They were all engaged together; therefore you must assume the intent to be what we alleged it to be."

Baron Bramwell said that surely the crown had a right to say, "If we cannot make good our right against any one we are content the ship shall be yours, but if we can show that any one has forfeited, we have a right to do so by all ordinary means in our power."

Mr. Karslake. The crown must lay hands on some particular person in whom they assume the guilty intention existed which has rendered the ship forfeiture It is the bounden duty of those who are making out the affirmative to show that at the time when the forfeiture was incurred there were some particular persons who were acting in some way or other against the section of the statute. In order to ascertain the intent, or whether it existed, the first inquiry to be made was, who was the person who was capable of intending at the time of the forfeiture within the meaning of the authorities? Mr.

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Karslake then went into the meaning to be attached to the words "equip, furnish, fit out, or arm." He asked the court to accept the construction put upon the section by Sir Hugh Cairns. The learned counsel finished his argument by urging that the direction given by the learned lord chief baron was a right view of the statute; that the verdict was right, and the jury could not have arrived at any other conclusion than they had; and that the verdict, for all the reasons that had been brought forward) ought not to be disturbed.

Mr. Mellish, Q. C., followed on the same side. After some introductory observations, he stated that he ventured to go to the extent of saying that it would be perfectly legal, under the act, for any ship builder to build a ship in this country, well knowing it was adapted for warlike purposes, under a contract with one of two belligerents, to equip that ship so far as it was necessary to enable it to sail away from this country, and to deliver it to the belligerent, either here or elsewhere, in an unarmed state. The building of a vessel was not forbidden by the statute; and that being so, the question was this: Was it the intention of the legislature, though it did not forbid the building of a ship in express and direct terms, to make it by implication unlawful? Obviously it was impossible to build a ship or sell a ship adapted for war to one of two belligerents, unless they allowed the builder to sell it in such a state as would enable it to sail away. To say to the ship-builders of this country, "You may sell ships to one of the two belligerents as much as you please, but you must not put anything on board which will enable them to sail away," was a manifest absurdity. If it was the object of the legislature to prevent any belligerent providing himself with ships from the ports of this country, it seemed extraordinary that they did not, in plain terms, say, "You shall not be allowed to build a ship for one of two belligerents, nor sell it to him."

Mr. Kemplay then argued upon the construction of the statute, saying that after the very elaborate manner in which all the facts had been gone through by his learned friends, it would be unnecessary for him to approach them at all, but he would satisfy himself by making a few remarks upon what appeared to him to be the true construction to be put upon the statute.

Cause having been now shown against the rule, the attorney general commenced his argument in support of the rule, and had not concluded when the court rose.

Mr. Seward to Mr. Adams.

No. 763.] DEPARTMENT OF STATE,
Washington, November 20, 1863.

SIR: Your despatch of November 6 (No. 532) has been received. It informs me of the proceedings which have recently taken place in the case of the Alexandra, before the court of exchequer.

It is an occasion of sincere satisfaction to find that the interpretation which was given to municipal and international laws on the former trial of the case is deemed to require judicial reconsideration. If that interpretation should be left to guide the courts in Great Britain and her American provinces, and should further come to be accepted as a guide to the courts of the United States, then I think no one could reasonably expect that the conflicts which would unavoidably arise between the two nations could be settled by the ordinary peaceful processes of courts or cabinets. This government knows no interest and no motive that does not prompt to the preservation of peace and friendship with Great Britain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

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Mr. Seward to Mr. Adams.

No. 764.] DEPARTMENT OF STATE,
Washington, November 21, 1863.

SIR: Your despatch of November 6 (No. 531) has been received. I have read with admiration the reply of the clergy of Scotland to the insurrectionary ministers of America. It is written in the true spirit of the church universal in the period of its purest administration.

In the beginning of the civil war we determined that it should be not the government, but the insurgents, that should carry their cause before foreign nations, if such a scandal must come. We did not doubt that our position would be all the more promptly and successfully vindicated by thus waiting for the inevitable assault from foreign enemies instigated by domestic emissaries; while at the same time we maintained the national dignity and sovereignty against foreign interference, without concession or compromise.

It must be pleasant for you, as it is for the President, to observe in such proceedings as that of the Scottish clergy the thick crowning evidences of the correctness of this course of administration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 765.] DEPARTMENT OF STATE,
Washington, November 23, 1863.

SIR: Your despatch of the 4th of November (No. 529) is received, and the note which you addressed to Earl Russell on the 3d of November, a copy of which you have annexed, is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 766.] DEPARTMENT OF STATE,
Washington, November 23, 1863.

SIR: Your despatch of November 5 (No. 530) has been received, together with its enclosures, which relate chiefly to the depredations committed by the pirate Alabama near to the Cape of Good Hope. The despatch also alludes to the complaint of our consul at that port concerning the Tuscaloosa, while it advises us of your having submitted to Earl Russell the claims for indemnity for precedent depredations committed by the Alabama.

The latter proceeding is approved. Earl Russell having now authorized Lord Lyons to confer with me concerning transactions which occurred at the Cape of Good Hope, I shall reserve the whole of this subject for discussion in that conference.

I am, sir, your obedient servant,

WILLIAM H. SEWARD

CHARLES F. ADAMS, Esq., &c., &c., &c.

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Mr. Seward to Mr. Adams.

No. 767.] DEPARTMENT OF STATE,
Washington, November 23, 1863.

SIR: I transmit the originals of certain recently intercepted insurgent correspondence which have been published in the newspapers. It has occurred to the Secretary of the Navy that they might be useful to you for judicial or diplomatic purposes, and perhaps for both. If he should be mistaken in this, you may return them, in order that they may be restored to the file.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, *&c., &c., &c.*

The subjoined intercepted correspondence was washed ashore in the mail-bag which was thrown overboard from the R. E. Lee during the late capture of that vessel (with two others) off Wilmington:

LETTER FROM EDWIN DE LEON TO THE REBEL SECRETARY OF STATE.

PARIS, *September* 30, 1863.

SIR: Your despatch No. 3, of 15th August last, was delivered to me by Dr. Charles Girard on the 16th instant, and in conformity with the instructions therein contained, I write you via Bermuda by the first post, and shall continue my communications by each successive steamer for that port.

Since your last despatch was written, you have doubtless received my Nos. 8 and 9; and it is scarcely necessary for me to observe that, had the views and intentions of the administration been previously confided to me, the strength of my language on one measure of policy, since adopted, would have been greatly modified, however unchanged my private opinion might have remained.

The withdrawal of Mr. Mason from London has had the good effect of reviving an interest in the southern question, and awakening the public in England from their dream of continued non-intervention. From all sources of information in my power, and from the expressed views of intelligent English friends, I am led to believe that the public feeling in England finds true expression in the editorials from the *Times* of 25th and 27th, which is herewith enclosed. The greatest recoil of the measure has been against Lord John Russell personally. His speech, apologetic and vindicatory of his course, is the reply to your challenge, and it proves that he will persist in his policy to "the bitter end," and is even ready to overstep the law in order to avoid offence to the Washington government. The delivery of this speech is too recent to permit me to inform you of English sentiment in relation to it. The commentary of the *Times* will show that even that obsequious echo of the ministry does not accept and reiterate Lord Russell's views without a protest, and, should he venture to carry into execution the threats he has made of violating the law and asking a bill of indemnity from Parliament, the experiment may cost him his place, the sympathy of the British people for us, growing stronger every day, and in the same ratio as their antipathy for the Yankees. To foster and increase these favorable dispositions, I have caused various publications to be made in England on the topics of cotton, slavery, the oath of allegiance, federal fabrications, and kept up a running fire through the English press. Some of these publications shall be sent you by the first opportunity which presents for sending packages.

After the disposal of the Roebuck motion, the rapid increase of federal recruitment in Ireland attracted much attention, and I deemed it advisable to visit that country to see if anything could be done to check it. During three weeks' residence, chiefly in Dublin, with a visit to Belfast, in the north of Ireland, I succeeded in unmasking and exposing the enemy's battery, and enlisted the aid of some powerful auxiliaries in the press and the pulpit to stop this cruel and cowardly crimping of recruits, under pretext of employment on northern railways. Many knew the real nature of the services required of them, but many more were entrapped by promises of high wages, their contracts containing a clause that they would take the preliminary "oath of renunciation" on their arrival in America. This, at once, would make them subject to the draft. Another drag put upon them was the exhortation to the women to accompany their husbands, as the promised wages were so high—so that the Yankees now get a good deal of dross with their good metal. The number of actual recruits thus obtained from Ireland for the past year, up to August, cannot have exceeded 20,000 able-bodied men, but has probably reached that figure. When the harvest time is over, the

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Yankees hope to make a grand haul, but we hope their nets will not hold. The men of intelligence, who see the drain thus made of the very bone and sinew of the country, resist it from policy and from patriotism. The priests, who are generally conscientious and earnest men, and who live on voluntary contributions of their parishioners, are also bent on arresting the exodus. The only party favorable to the Yankees is the silly and mischievous clique of demagogues who style themselves "Young Irelanders," of whom General Meagher used to be one of the shining lights; and these men make themselves busy in selling their countrymen for the Yankee shambles. No step has been or will be taken by the British government to stop this wholesale deportation for two reasons:

1. From the difficulty of proof of actual enlistment; and,

2. Because of the unwillingness of Lord Russell to wound the susceptibilities of Mr. Seward, of whose conduct he "has no complaint to make."

The press, the priests, and public opinion may supply the short-comings of the government in this respect. At least the attempt is making, and shall continue to be made.

Having called (of course as a private individual) on the lord lieutenant, the Earl of Carlisle, an old acquaintance, I was most courteously and kindly received, and had a long conversation with him on this and kindred topics. Subsequently I dined with him, when we again discussed the whole matter. He admitted the existence of the evil of emigration and the powerlessness of government in the matter.

Here in France I see no change either in the attitude of the government or in the popular sentiment. In fact, until the arrival of the Florida at Brest, allusions even to the confederacy (except those supplied by our friends in the press) were becoming very rare. The Polish question and the Mexican entirely obscured ours, in which Frenchmen have really but little interest. The sympathy at first felt for the federals has been forfeited by their brutality and insolence. A kind of vague admiration for the heroism of our people has succeeded, but not lively enough to prompt any action, nor give us reasonable hopes of it.

The arrival of the Florida, and the questions which arose, excited an interest, but that too has now died away, and even the arrival of the federal vessel Kearsarge, and her admission into the same docks, have not revived it. Her visit has been important, however, in settling some vexed questions, as the enclosed extracts from the *Moniteur*, *France*, and *Pays*, will show. The extract from the latter print (which is now the organ of the minister of foreign affairs) threw a wet blanket over our too sanguine friends, who predicated French intervention on the acknowledgment of our belligerent rights by France on water as on land.

The Emperor is now at Biarritz, where every year all the world are admitted informally to the reunions of the Empress, and French royalty goes *en dishabille*. Mr. Slidell's family have passed the summer there, and he himself, for the last month, has been there. The court next week will be transferred to Compiègne, where none can go except by invitation. There the Emperor will receive the Mexican deputation after their visit to Prince Maximilian, near Trieste, and some people hope he may say something bearing on our question. I entertain no such hopes.

The withdrawal of Mr. Mason from London makes the Emperor more than ever master of the situation—the only rivalry he feared being thus withdrawn. He can amuse us with Mexican alliances in lieu of more practical intervention, in the belief that we shall continue to be very grateful for very small favors. Neither the British Parliament nor the French Chambers will meet until February next, and until then the game is entirely in his own hands, Earl Russell's speech having relieved his mind of any change in England's inactivity. I sincerely hope that the intentions of the Emperor may be more practical, but I can only judge by the lights before me.

I remain, very respectfully,

EDWIN DE LEON.

Hon. J. P. BENJAMIN,
Secretary of State, Richmond, C. S. A.

Letter from Mr. De Leon to Jeff. Davis.

PARIS, *October* 1, 1863.

MY DEAR SIR: You cannot possibly imagine the very great happiness which your letter gave me, both on account of the assurance of your continued friendship and of the hopeful tone which pervaded it in relation to our public affairs.

Both of these facts are fully confirmed by my friend Dr. Girard, who speaks of your kindness to him in the most enthusiastic terms, and he has relieved my apprehensions that, like our first great leader Calhoun, your body might prove unequal to the burden your spirit imposes upon it.

For the sake of the cause, as well as for the sake of those that love you, it is essential that you should not overtask your strength, for every day has convinced me more and more that we have no Joshua to take your place, and lead us into Canaan, if that place were rendered vacant. It is useless to disguise the fact that the men around you do not inspire confidence,

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and that chaos would soon come were your hand withdrawn from the helm. Military ability of the highest order our revolution has produced, but of diplomatic talent it has been most singularly barren. The old men of the old *régime*, like the Bourbons, seem to "have learned nothing and forgotten nothing," and no younger ones seem springing up to supply their places. Radical democracy, which levels down instead of grading up, seems almost as strong with us as with the north, though not in such repulsive shapes, and after the war is over we shall have to fight the same old foe with a new face. I may seem to speak bitterly, but I see on this side so much pitiful self-seeking and worthless greed in the swarm of speculators and blockade-runners, and swaggering shufflers from danger, who call themselves confederates, that my soul sickens as I contemplate our future. No one can appreciate more than myself the heroic virtues of our home population, and I turn my face towards them for purer air and more hopeful presages.

As I ventured to give counsel with reference to an important public movement, I feel bound frankly to say to you what I am not warranted in embodying in a despatch, especially since being informed by Mr. B. that there were reasons and proceedings out here of which I had not been informed. In a despatch to him I therefore have only dilated upon these points by the lights before me, as there may be reasons beyond my ken.

By reference to my despatch, and my letter to yourself, it will be found that my suggestion has been treated as were the prayers of Homer's heroes by Jupiter—one-half accepted, the rest dismissed as empty air. I suggested a policy by which you would have administered a grave rebuke to Europe, and have appealed to the conscience of Europe. This, I think, would have produced a most happy effect. The isolated action which has been taken has not the same weight and gravity, and has been attributed more to personal pique against a small minister, and to impatience of recognition, than to the calm consciousness of strength, or to deliberate and settled policy.

A general measure would have sown suspicion between the two great powers. Each would have feared secret negotiations with the other. Now it is an open game, and Louis and Pam. both see each other's hands. I am not a prophet, and may be deceived; but, as far as I know and can see, there has been, and is to-day, as little real intention of speedy recognition by France as by England.

That we may be made a pawn in the Mexican game I think very probable, but the detected intrigue in Texas (Mr. B.'s denunciation of which was intercepted and published in New York anti English papers) does not inspire confidence in that very astute gentleman who is now an arbiter of southern and Mexican destinies, the retention of Mr. Mann in Belgium not being remembered by the public.

Judge Rost, who is here now, entirely concurs in my views; and he adds further, that Mr. Dayton declares he has never had any complaint from Washington regarding French intervention in Mexico. If Seward, therefore, acknowledges Maximilian's empire, the ground on which our action seems to have been predicated is cut away from under our feet. Even should S. make a protest, for he cannot meditate a war with France, we still will be held as a pawn, and have the shadow of a favor, while our enemy enjoys the substance of non-intervention.

Before this letter reaches you events will have proved their correctness or falsity; for we are groping in the dark at this moment. God grant I may be unduly suspicious and distrustful, and that we may get more substantial "aid and comfort" from Napoleon than I either hope or expect.

At the risk of being tedious I have exposed my inmost thoughts to you. What is past is irrevocable, but I feel our future is safe in your hands. I cannot volunteer any advice, now that you know my inmost ideas. I am working hard and incessantly, personally and by proxy, and am enlarging the sphere of my operations, for the exigencies of the hour demand. I abhor asking for money, but, as I do not appropriate a penny for myself, have given Mr. B. a reminder that a small sum in treasury drafts is not a Fortunatus purse, ever filling and ever full, at the expiration of eighteen months. "France wants money," literally, and not figuratively; they are a far more mercenary race than the English, and we must buy golden opinions from them, if at all. Such was the secret of Dr. Franklin's success. Mrs. De Leon was much gratified by your very kind mention and remembrance of her.

Believe me when I say she fully shares in my feelings towards yourself and Mrs. D., and heartily echoes the wish of meeting soon again and under happier auspices. As a souvenir of an old friend, I send Madam for her album the "portrait of a gentleman," as they say in exhibitions. So soon as a good one is taken of Madam, it shall also be sent.

With the warmest wishes for your health and happiness, your obliged, sincere friend,

E. DE LEON.

An agreement between certain parties to run five steamers from St. George's, Bermuda, or Nassau, to Charleston, South Carolina, or Wilmington, North Carolina.

To all to whom these presents shall come: I, William Anderson Rose, lord mayor of the city of London, do hereby certify, that on the day of the date hereof personally came and appeared before me James Taylor Soutter, the declarant named in the declaration hereunto

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annexed, and by solemn declaration which the said declarant then made before me in due form of law, did solemnly and sincerely declare to be true the several matters and things mentioned and contained in the said annexed declaration.

In faith and testimony whereof, I, the said lord mayor, have hereunto signed my name and caused the seal of the office of mayoralty of the said city of London to be hereunto affixed, and the paper writing marked "A," mentioned and referred to in and by said declaration, to be hereunto annexed. Dated in London the thirtieth day of September, in the year of our Lord one thousand eight hundred and sixty-three.

WILLIAM A. ROSE, *Mayor.*
RICHARD HAWLEY, *Deputy Registrar.*

—

The following is a copy of the certificate of James T. Soutter, of London:

I, James Taylor Soutter, of No. 3 Alderman's Walk, in the city of London, gentleman, do solemnly and sincerely declare that I have carefully examined the paper writing hereunto annexed and marked with the letter "A," with the original agreement, and that the same is a true and exact copy of such original agreement.

And I make this solemn declaration conscientiously, believing the same to be true and by virtue of the provisions of an act made and passed in the session of Parliament of the fifth and sixth years of the reign of his late Majesty King William the Fourth, entitled "An act to repeal an act of the present session of Parliament entitled 'An act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to subscribe declarations in lieu thereof, and for the more entire suppression of voluntary and extrajudicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.'"

J. T. SOUTTER.

Subscribed and declared at the Mansion House, London, this 30th day of September, 1863
WILLIAM A. ROSE, *Mayor.*

—

A.

It is agreed hereby between Colonel J. Gorgas, chief of ordnance, in behalf of the Confederate States, on the one side, and C. E. Thorburn, esquire, in behalf of himself, Messrs. Charles H. Reid & Co., and other parties, (to be named,) of London, on the other, to run five steamers, on joint account for the parties they represent, in the proportions hereinafter named, from the port of St. George's, Bermuda, or Nassau, N. P., to the confederate port of Charleston, South Carolina, or Wilmington, North Carolina, on the following terms and conditions:

1. The five steamers shall be owned in the proportion of two-thirds by the Confederate States and one-third by Messrs. Charles H. Reid & Co. and other parties.

2. The Confederate States shall pay for their two-thirds ownership in the steamers in cotton, delivered, compressed and in good shipping condition, at the port of Charleston or Wilmington, as Messrs. Charles H. Reid & Co. and other parties may direct; said cotton to be valued on the basis of sixpence (6*d.*) per pound for "middling upland."

3. The steamers shall be sailed at the risk and expense of the joint owners in proportion to their shares, as named in condition 1st, the Confederate States beginning to bear their proportion of the risk and expense from date of receipt of notification by Major Caleb Huse, 71 Jermyn street, London, that this agreement is ratified by Messrs. Charles H. Reid & Co. and other parties.

4. The general management of the steamers shall be intrusted to Messrs. Charles H. Reid & Co. and other parties, but the Confederate States reserve to themselves the right of representing their controlling interests in all disputed questions. It is distinctly understood, also, that the steamers will be run under the general rules established by the government of the Confederate States for their own steamers engaged in the same trade.

5. The Confederate States will furnish coal and cotton at their port with all despatch for these steamers; and, for so doing, a commission of 2½ per cent. on value of their one-third at the seaport will be allowed them by Messrs. Charles H. Reid & Co. and other parties. The cotton so exported to the depots in the islands will be reshipped there in neutral bottoms to Liverpool, and consigned to Messrs. Charles H. Reid & Co. and other parties, who will sell it for the benefit of those concerned, and place the proceeds (less the usual charges and 2½ per cent. commission for selling) of the two-thirds share belonging to the Confederate States to the credit of the war department, with Messrs. Frazer, Trenholm & Co., of Liverpool, unless they (Messrs. Charles H. Reid & Co. and other parties) should be directed to

expend it themselves in the purchase of articles needed by the government, on lists furnished them as indicated in condition sixth.

6. Two-thirds of the inward cargoes shall be purchased by Messrs. Charles H. Reid & Co. and other parties for the Confederate States, on lists furnished them for the purpose, unless the Confederate States should prefer to purchase directly through their officers abroad. In either case, Messrs. Charles H. Reid & Co. and other parties are to be allowed a commission of 2½ per cent. on the invoice cost of the two-thirds cargo belonging to the Confederate States. These cargoes are to be sent out in neutral bottoms to the depots on the islands, and there reshipped to run the blockade into one of the two confederate ports named, on one of the five steamers of joint ownership. In every case, where required by the agreeing parties, the cargoes from England to the islands, and from the islands to the confederate seaport, will be apportioned out among them in the proportions of their ownership of the five steamers; that is to say, two-thirds and one-third. Whenever one party occupies the freight room of the other by consent, or because the other cannot furnish freight, from whatever cause, he shall pay for such freight room at the rate of fifty pounds sterling per ton from Europe to port of destination in the Confederate States, or of forty pounds sterling from depot in the islands to said port, or from said port to the islands.

7. As it would imperil the safety of any one of the five steamers, it is agreed that no contraband of war shall be placed upon them, except to carry between the islands and confederate port.

8. The Confederate States will furnish, as far as practicable, officers to command the steamers.

9. In consideration of the fact that the Confederate States pay for their proportion of the five steamers in cotton on this side the water, they concede to Messrs. Charles H. Reid & Co. the use of one-half of their freight room, at price herein named, on first trip of each vessel from confederate port to island depot.

10. As the Confederate States necessarily place much confidence, not only in the skill and judgment, but also in the integrity of the other parties to this agreement, pledge is hereby given on the part of each and all of them that they will not receive any profit, drawback, or return commission, in addition to what is expressly allowed in this agreement, and that they will in no manner derive pecuniary compensation in any business arising therefrom beyond the legitimate profits of their one-third interest and specified commissions.

J. GORGAS,
Chief of Ordnance.

Approved:

J. A. SEDDON,
Secretary of War.

C. E. THORBURN.
CHARLES H. REID & CO.
THE MERCANTILE TRADING CO., (limited.)
EDGAR P. STRINGER, *Managing Director.*

LONDON, *September* 23, 1863.

Witnesses to the signatures of C. E. Thorburn, Charles H. Reid & Co., the Mercantile Trading Company, limited, and Edgar P. Stringer, managing director—

J. T. SOUTTER.
WILLIAM H. AVERELL.

LONDON, *September* 30, 1863.

We certify the above to be a true copy of the original agreement, having carefully examined the same therewith.

J. T. SOUTTER,
WILLIAM H. AVERELL,
3 *Alderman's Walk, London.*

Terms of agreement between Major Huse and the Mercantile Trading Company, limited.

3 ALDERMAN'S WALK, *London, July* 23, 1863.

No. 1. £150,000 advance to be made Major Huse for the purchase of goods; this amount to be extended to £300,000, but not exceeding £200,000 at any one time outstanding, except by subsequent arrangement.

No. 2 (erased.)

No. 3. The shipments to be made from this country by the company *via* Bermuda, Nassau, or Havana. If required by Major Huse, several cargoes to be delivered at Matamoras.

No. 4. That Major Huse gives his acceptance for the amount of each shipment as it takes place, with the charges added to the invoice.

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No. 5. That the confederate government have two-thirds cargo space in each vessel, the company one-third each way.

No. 6. That the confederate government insure the entire ship from war risk, value declared on sailing, reducing value after four months by ten per cent. each voyage.

No. 7. That the freight be fixed at £20 per ton from England into the confederacy, payable in cotton at 5*d.* per lb. sterling *f. o. b.*

No. 8. That the steamer be approved by Major Huse between the neutral port and the confederacy.

No. 9. The captains of the steamers to be approved by Major Huse; pilots to be approved by the Confederate States agents at the ports.

No. 10. That the cotton received from the Confederate States be consigned to the company's agency in Liverpool, who will, upon the payment of £20 per ton freight, render account sales, deducting the acceptance given by Major Huse. That the company charge the usual commission, say two and one-half per cent. on the consignment.

No. 11. That the company charge twenty per cent. on the advance.

It is understood that this agreement is entered into by the Mercantile Trading Company, limited, by Edgar P. Stringer, managing director, and Major Huse in behalf of the confederate government; the further details to be arranged next week.

EDGAR P. STRINGER.
CALEB HUSE.

JULY 22, 1863.

Witness:
W. H. PRATT.

Letter from E. P. Stringer to Colonel Thorburn.

LONDON, *October* 3, 1863.

MY DEAR SIR: At your request I place before you actual offers for steamers and engines, instead of merely giving you the information, which I am desirous of placing before the confederate government navy department by your kind medium.

The builder, Mr. Ash, is a man who is extremely well up in his business, and sends the model of a steamer to the constructor of your navy, with a contract which is binding on him for three months from the 21st of October next, the time, I hope, you will reach the confederacy. If the government accept the proposition kindly, let Mr. Campbell, at Bermuda, know, and send us the arrangement you make as to the payment. If the government will hand over to Mr. Campbell half of the cost in cotton to be consigned to us, we will arrange the cash matters with the builders, so that no time is lost, and the government can take their time in paying the remainder.

I shall have to charge a commission for superintending the building, together with the small charges usual. I should fix the commission at two and a half per cent., and for this should undertake guaranteeing that the vessel is according to specification, and I would do all the work in fitting her for sea.

The constructor of the navy will have to sign the contract, keeping copy of the same.

ENGINES.

I have put the building of these on the simplest possible ground—that of a cost for the horse-power. Messrs. Stewart are very first-rate men, and their work exceedingly good, and to be trusted. The payment you can arrange in the same manner, and my charge for the superintendence. The shipment of the engines can be done *via* Bermuda, in the company's steamers, as we will give up that room to the government.

Please bear in mind the earlier the reply reaches this the better.

Believe me, yours, truly,

EDGAR P. STRINGER.

Colonel THORBURN, *present.*

Letter from E. P. Stringer to J. M. Mason.

MERCANTILE TRADING COMPANY, LIMITED,
3 *Alderman's Walk, E. C., London, September* 16, 1863.

DEAR SIR: In the month of July last this company entered into an agreement with Major Caleb Huse, acting in behalf of the Confederate States of America, to make certain advances of money, as will be seen by the copy of the informal preliminary agreement herewith, it

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being understood that Major Huse's authority to bind his government should be satisfactory to the solicitor of our company before the execution of a more formal contract by the parties. Major Huse was very anxious to send out immediately some saltpetre, and, not doubting that his powers were all right, we entered, on the very day of the signing of the contract, into the active execution of it, by advancing him £20,000 on saltpetre, to be sent to Wilmington *via* Bermuda.

Preparatory to drawing up the formal contract, we called on Major Huse to exhibit his powers that they might be laid before our solicitor, and, in reply to our request, he produced certain extracts from letters dated back as far as the spring of 1861, under which he had acted in the large operations he had hitherto conducted for account of the Confederate States government. Our solicitor did not deem these extracts of letters a sufficient authority, and directed us to ask Major Huse for additional evidence. He thought that as the confederate government had sanctioned all his previous acts, it was fair to presume they would ratify this arrangement also, but that it was necessary to know from him whether any of these original powers were withdrawn, as we had heard of a failure of a contract made by him in France, owing to the allegation that he had not the requisite powers. To this request Major Huse replied that there had been no change in his authority to act in full for the confederate government Not feeling satisfied with this, and learning that he had in some way been associated with Captain W. G. Crenshaw in supplying the government, we applied to the latter gentleman for information, if he felt at liberty to grant it to us. The result was, that we learned that, by recent order of the war department, Major Huse's authority was now limited to the supply of *ordnance* stores or, in other words, to *contraband* of war, and these to be sent forward *by government vessels*. On getting this information we declined going on with the contract until the confederate government should ratify the same. Major Huse then addressed the company a *threatening* note, stating that he had no doubt the government would take redress into their own hands, meaning, we presume, that they would not pay for the saltpetre, or would seize our ships when within their power. Our object in addressing you is to say *that we want to give the government the saltpetre* on being paid for the same the cost and such other compensation as they may deem just and right.

Very truly,

EDGAR P. STRINGER,
Managing Director.

Hon. . M. Mason.

P. S.—The saltpetre has been stored at Bermuda, to await further instructions. If you could feel free to assure us that the confederate government would pay for the same in any equitable way, we will gladly order it forward in our ships to Wilmington, but, having Major Huse's threat over us, we do not feel justified in sending it into Wilmington without some such assurance. We earnestly desire to give them the saltpetre, knowing that it is much wanted; but our stockholders would censure us were we to do so without having some assurance to offset the aforesaid threat of Major Huse. I trust you will be able to help us in our dilemma.

Mr. Mason's answer.

LONDON, *September* 19, 1863.

SIR: I have received your letter of the 16th instant, with its enclosure, being the memorandum of agreement between Major Huse and the Mercantile Trading Company.

I am not aware of the extent of Major Huse's authority in the matter to which your letter refers, but I know that as an officer of the government he has exercised large powers in sending forward supplies, and, in doing so, has had the sanction and approbation of the war department. Thus, in regard to the saltpetre which you state has been sent forward by your company under a contract with Major Huse, I feel fully authorized to assure you that it will be taken by the government on the terms mentioned in your letter, or on those of the contract referred to, the better to insure which I return your letter with its enclosures, as the papers to which this refers, (identified by my initials,) so that you can send them, with this letter, to the government when the saltpetre is shipped.

Very respectfully, your obedient servant,

J. M. MASON.

EDGAR P. STRINGER, Esq.

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Caleb Huse to E. P. Stringer.

25 GRANDE RUE ARTENIL,
Paris, September 2, 1862.

SIR: I duly received your communication of August 28, and am this morning in receipt of a duplicate of the same.

I gather from it that you desire to base your excuse for failing to carry out your engagement with me on the fact that Mr. William G. Crenshaw has satisfied you that I had no authority to enter upon the engagement on the part of the Confederate States government. I regret that Mr. Crenshaw should have taken upon himself the responsibility of interfering with an arrangement by which the Confederate States government would, at a comparatively early day, have received most important supplies. But while I regret this interference on the part of Mr. Crenshaw, which has enabled you to advance a plausible excuse for your breach of contract, it is not to be understood that I find in it the true reason for your failure to comply with the terms of your engagement. I perceive, in your thus placing the responsibility upon Mr. Crenshaw, only an afterthought and pretext cleverly made use of. The true reason for your breaking down in the execution of this contract has been that you have been unable to obtain the money required. The capital of your company is £150,000, and you have already made use of the entire amount in the purchase of goods and steamers. You expected to obtain the money for carrying out your contract with me from Mr. De Vost, through Mr. Lang. Since the confederate reverses in July Mr. De Vost has been unwilling to part with his money on the security you could give him. I have known this all the time, and also of your efforts to procure money from other sources.

Finding yourself unable to accomplish this, at the last moment you resort to the dishonorable expedient of making use of the complaint of an unsuccessful contractor—who fancies that, in some way, I am the cause of his failure to obtain funds with which he may go on with his contract—to prove that I had no authority to enter upon this contract. You have, moreover, stated to gentlemen in no way connected with the Confederate States government that Major Huse had endeavored to make a contract with you for the Confederate States government, for which he had no authority. This statement, if generally believed, would entirely destroy my efficiency as an agent of the Confederate States government. You hoped, by such means, to escape the odium of having entered upon an undertaking which you were unable to carry out.

If you had had the honesty to state to me the true reason for your failure, I should have regretted the fact, and perhaps would have entertained an opinion as to the propriety of your having signed a memorandum of agreement to supply me with £300,000 without having first assured yourself that you would be able to carry it out. But then the matter would have ended; you would have failed in the execution of your engagement from causes beyond your control, but you would have saved your self-respect.

When Mr. Soutter first proposed to me that I should enter into an arrangement with the Mercantile Trading Company, my reply was that I would have nothing to do with any concern in which Mr. E. P. Stringer was a principal manager. I subsequently abandoned this position, not because Mr. Stringer's character was made to appear in any more favorable light to me, but because it represented to me that such a course on my part would injure innocent persons for whom I had a high regard, who were interested in the success of the company, and particularly Mr. Soutter. I found, too, that an incorrect impression had been produced in the mind of Mr. Soutter, and of one or two distinguished persons, that my desire to injure Mr. Stringer was so great that, for the sake of gratifying it, I was willing to let pass an opportunity of making a favorable arrangement for the Confederate States government. I lost no time in correcting this impression, and entered into an arrangement finally, under which you were to supply me with £300,000. I believed that the arrangement would be carried out on the part of the company, not because I had any faith in the managing director, but because of my confidence in Mr. Soutter, a fellow co-director, who, I believed, would carefully watch the interests of the Confederate States government. My confidence in Mr. Soutter is undiminished. He enjoys a reputation that is able to bear even an association with Mr. E. P. Stringer. I ought, as I now see clearly, to have adhered to my determination, which was based on grounds which, as I intend to send a copy of this letter to Richmond, I will here state:

You had made great professions of friendship for the Confederate States, and at the same time had been perfectly unscrupulous on at least two occasions when opportunity offered for you to benefit yourself. One occasion was the purchase of the steamer Giraffe, when you caused £1,000 more to be paid for the steamer than was necessary, which thousand pounds was disposed of by you, in addition to two and a half per cent. commission upon the purchase-money, which purchase-money included the £1,000 put into your pocket. You once stated to me that this £1,000 was given to you by Mr. Collie, from

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whom the Giraffe was purchased. Such a statement was childish. In whatever manner the details of a transaction may be concealed, all the expense connected with the purchase of an article goes into the account of the purchaser in one way or another. You were paid a commission for purchasing the steamer. As an honorable man, you ought to have effected the purchase on the best terms possible, and charged your commission on the net amount.

On another occasion, you received from a purchaser of arms for the Confederate States government the exorbitant commission of five per cent. for introducing the party to a house from which the Confederate States government had been purchasing arms since the commencement of the war. The transaction came officially to my notice. It cannot be pretended by you that any service, whatever, was rendered for that charge. You knew, moreover, that not only would that money—about £2,000—come from the treasury of the Confederate States government, but that one hundred per cent. profit was to be paid on the face of the invoice, in which your commission appeared as an item.

I do not object to your making money in any manner allowed by your conscience and by those persons with whom you have transactions. Such transactions as the above, however, are entirely inconsistent with the position you assume to occupy, of a friend to the Confederate States government. Your well-assumed enthusiasm in the confederate cause has deceived many who, perhaps, would hardly believe the above statements unless clear evidence of their truth were furnished.

I trust it will not be necessary for me to have anything more to do with a man of whom my first unfavorable impressions were strengthened by the conversation of almost every merchant whose opinion of either of W. S. Lindsay & Co. or E. P. Stringer I asked, and which have been fully confirmed by the two transactions referred to above, to say nothing of Mr. Stringer's conduct, as manager of the Mercantile Trading Company, with reference to my contract with that company.

It is proper for me to inform you that I hold the Mercantile Trading Company to the faithful execution of the agreement of its managers with me. I shall take no further steps to convince the company that I had full authority to make the contract. If the company doubts my authority, and requires the counter signature of one or all of the Confederate States commissioners to any contract I may sign, I will undertake to obtain such counter signatures.

Your obedient servant, CALEB HUSE.

E. P. STRINGER, Esq.,
Managing Director of the Mercantile Trading Company,
3 Alderman's Walk, London, E. C.

Mr. Seward to Mr. Adams.

No. 768.] DEPARTMENT OF STATE,
Washington, November 24, 1863.

SIR: Your despatch No. 527, of the 30th ultimo, which shows the manner in which you have carried into effect the instruction of this department, (No. 730,) has been received, submitted to the President, and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Circular.]

No. 769.] DEPARTMENT OF STATE,
Washington, November 28, 1863.

SIR: Desirous to inform you as fully as we are possessed ourselves of the gratifying successes which have crowned the national arms in Georgia, I cannot perform this duty in any other way so effectually as I can by giving you a copy of a graphic report which was received last night from Quartermaster General

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Meigs, who, being accidentally in attendance upon General Grant's army, was an eye-witness of the great transaction. You will justly expect that this suspicious event will be followed by movements for the restoration of the civil authority in the States which have been heretofore the theatre of the civil war.

There are not wanting cheering indications that slavery will be willingly made a sacrifice by the loyal citizens of those States to regain and perpetuate the blessings of the Union.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Same to Messrs. Dayton, Clay, Koener, Marsh, and Motley.

Mr. Seward to Mr. Adams.

No. 770.] DEPARTMENT OF STATE,
Washington, November 30, 1863.

SIR: Your despatch of the 13th of November (No. 535) has been received. The President is gratified with the reception which Earl Russell has given to my suggestions in regard to obtaining a sanction, by the Mikado, of the treaties which have been made by the western powers with the Tycoon of Japan. The latest information received from Mr. Pruyn induces a hope that the efforts of the daimios, under the Mikado's patronage, to expel foreigners from the country, will not be continued.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 771.] DEPARTMENT OF STATE,
Washington, November 30, 1863.

SIR: Your interesting despatch of the 13th of November (No. 536) has been received.

Adhering to our American policy of non-interference in the affairs of other countries, I shall not engage in speculations upon the probable effects of the proposition of the Emperor of France for a European congress.

I may properly observe, however, in that connexion, that it seems as if, abroad as well as at home, the course of political ideas, which was so rudely broken by the unhappy insurrection in this country, is resuming its natural and accustomed order. European statesmen and governments must, in the main, be so far content with governing Europe as to leave to the statesmen and governments of America the responsibilities of regulating affairs on this continent. We all see clearly enough how much American affairs have been embarrassed rather than relieved by the attention they have engaged in Europe.

This return of normal ideas is very observable in this country. The efforts to substitute anarchical proceedings for the constitutional operation of the federal government have at last been submitted to the test of popular election in the loyal States, with all the advantage to be gained by indirection of manner as well as by the discontents which a fearful civil war, so long conducted without decisive results, could afford. The result is, that the national habit of reliance upon the constitutional administration is restored, even at the cost of the social

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and political changes which it is foreseen must result from the removal of the dominating institution of slavery.

So in regard to our foreign relations, the conviction has universally obtained that the true national policy is one of self-reliance and self-conduct in our domestic affairs, with absolute non-interference in those of other countries. These two important ideas are accepted with practical universality in the loyal States, while in the region covered by the insurrection they are resisted only by those who have staked their all upon the fortunes of a desperate strife.

Under these circumstances, Europe, with her attention already diverted from America, will no longer find provocation or encouragement here for a policy hostile to the settlement of our controversy upon the basis of our constitutional union. I think, moreover, that she cannot be long in discovering that, in lieu of her present partial illicit trade, with its constant annoyances, she has only to revoke her recognition of the insurgents as a belligerent to secure a return of peace, with a restoration of the commerce which prevailed before the civil war began. True there will, for a season, be a difference in the materials of exchange. But one has only to consider the immense forces of population and industry existing in the United States to become satisfied that whenever peace returns, every source of national wealth now closed will soon be made to flow even more freely under the application of labor universally free than it did before, while slavery was maintained as a part of the industrial economy of the country.

Apprehensions that the aggrandizement of the United States as a commercial power can bring any practical inconvenience or danger to European States can disturb none but visionary minds. We can never be dangerous, unless we are armed. We were never so great, and yet never so completely unarmed, as we were when this civil war broke out. We were never before so shorn of national prestige as we are now, through the operation of domestic faction; yet we have never before been so strongly armed as we are at this moment, upon land and water. If we have ever been aggressive, it was the interest of slavery that made us belligerent abroad, as it was the same interest that has now afflicted ourselves with civil war. We can be only a peaceful nation, if we are left to enjoy our independence in the way that our destiny leads us. We can only become a disturber of the world's peace by being called into the world to defend that independence.

I do not know in what way Great Britain and France may think it expedient to reverse the injurious policy they have hitherto pursued in regard to us, but I think that in order to direct their attention with more earnestness to European affairs, they must soon come to the conclusion that it is wise to remit American affairs exclusively to the government of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 777.] DEPARTMENT OF STATE,
Washington, December 5, 1863.

SIR: Your very interesting despatch of the 19th of November (No. 537) has been received, together with the pamphlet on the foreign enlistment act of Great Britain by Mr. Gibbs, which is highly appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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Mr. Seward to Mr. Adams.

No. 778.] DEPARTMENT OF STATE,
Washington, December 5, 1863.

SIR: I have to acknowledge the receipt of your despatches Nos. 538 to 541 inclusive, and to express my approval of them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 779.] DEPARTMENT OF STATE,
Washington, December 5, 1863.

SIR: Your despatch of the 20th ultimo (No. 542) has been received. I give you my thanks for the report of the progress of the trial of the Alexandra, which accompanied it, and remain, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Circular.]

DEPARTMENT OF STATE,
Washington, December 15, 1863.

SIR: The brilliant and signal defeat of the insurgents which occurred on the 24th and 25th days of November, in front of Chattanooga, was followed by the rapid movement of re-enforcing columns of the army at that point to the support of General Burnside, at Knoxville. The siege of that town was immediately raised, and thus the great Alleghany ridge, next in military importance only to the great river channel of the west, is effectually reclaimed by the national government.

Congress assembled on the 7th instant, and the session was inaugurated on the 9th by the delivery of the President's annual message. It was well received by the national legislature, and it seems to be no less satisfactory to the loyal people of the United States. You have especial ability to judge how far the exposition of our foreign relations is truthful and accurate. It is hoped that the firmness and liberality which the President manifests will exert a good influence upon public opinion in other countries.

The confidence of our fellow-citizens in the stability of the Union, which has been rapidly reviving since the great victories of July, has been entirely restored by the expositions of our moral, material, and physical resources, which are furnished by the heads of the several departments.

Through what seems a fortunate coincidence, the insurgent chief at Richmond has put forth an explanation of the present state of the rebellion simultaneously with the publication of the message of the President of the United States. It would be difficult, I think, to decide which of the two documents, namely, that message or the appeal of the insurgent leader to his misguided faction, most clearly illustrates the absurdity of the attempt to build up an independent state on the foundation of human bondage within the existing

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boundaries of this firmly established and compactly organized free American republic. European statesmen will doubtlessly collate them. I shall be surprised if that process does not result in producing a universal conviction that the American people are, and must continue henceforth to be, one indivisible nation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Same to Messrs. Dayton, Clay, Pike, and other ministers in Europe.

BRITISH LEGATION.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 4, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 31st ultimo, submitting the copy of a memorial signed by merchants at Nassau, relative to the restrictions imposed on the trade between New York and the Bahama islands, and to state that the matter has been referred to the Secretary of the Treasury.

I have the honor to be, with high consideration, your lordship's obedient servant,

F. W. SEWARD,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 10, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 2d instant, transmitting a copy of a despatch from the governor of the Bahama islands to her Majesty's secretary of state for the colonial department, reporting the proceedings in the case of the schooner Hanover, of Boston, captured by the insurgent privateer Retribution, and taken to Long cay, one of the Bahamas.

The bail required in the case seems surprisingly small and insignificant. This government, however, trusts that the prosecution will be conducted to a result which will vindicate the justice of the British government.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 10, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 30th ultimo in relation to the requirement of bonds under the act of

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Congress in ports of the United States from persons shipping goods to ports in the Bahama islands.

The President sincerely regrets that her Majesty's government still remains of the opinion that this course of proceeding, as it is explained in my former communications, contravenes the treaties between Great Britain and the United States. Her Majesty's government having brought no new facts or arguments to bear upon the case, I can only confess, on the part of this government, an inability to surrender the convictions it has heretofore expressed, and, as it thinks, conclusively maintained.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, *&c., &c., &c.*

Lord Lyons to Mr. Seward.

WASHINGTON, *November* 10, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 20th ultimo on the subject of the compensation to be made in the case of the Magicienné.

In a note which I had the honor to address to you on the 22d of April last, respecting the capture of this vessel, I applied to the government of the United States for full compensation to the parties interested.

In answer to this application you were so good as to convey to me, in a note dated the 6th of June, a proposal that the same course should be pursued in this case as that proposed to be pursued in the case of the Mont Blanc.

I replied to that proposal by a note dated the 20th of June, from which the following is an extract:

"The course proposed to be taken in the case of the Mont Blanc is described in the note which you did me the honor to address to me on the 7th of last month, in the following terms:

"'I have submitted this claim to the President, and am authorized to say that he admits that, in view of all the circumstances of the case, such compensation ought to be made. The Secretary of the Navy will, therefore, designate some person at or near Key West to confer with such person as her Majesty's authorities may appoint, to ascertain and agree upon the damages to be thus paid; and the President, upon their report, will ask an appropriation of Congress, for the discharge of the claim, at their next session.'"

My note went on to say that I purposed to inform her Majesty's government that the government of the United States purposed to settle the case of the Magicienne on the terms specified in the foregoing extract; but that I would, before doing so, await a further communication from you, in order that I might be quite sure of representing the intentions of the United States government with perfect correctness.

In a note dated 22d June you did me the honor to state to me, in reply, that such was the true interpretation of your offer.

By your note of the 20th ultimo, to which I am now replying, I understand you to propose that the referees, whose appointment is contemplated in the preceding communications, shall meet at New York instead of at Key West.

Having consulted Mr. Edwin Gerard, who is, as you are aware, empowered to represent some of the principal parties interested—that is to say, the owners of the vessel and some of the shippers of the cargo—I have no difficulty in agreeing to this proposal. I accordingly name Mr. Edward Mortimer Archibald, her

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Majesty's consul for the State of New York, as referee, and I shall be ready, on receiving your answer to this note, to instruct him to confer in the city of New York with the referee named by you, Mr. William M. Evarts, with a view to bringing the case of the Magicienne to a settlement on the terms specified in the notes of the 22d April and of the 6th, 20th and 22d June, to which I have referred above.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 11, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, stating that you agree to the proposal made in my note of the 20th ultimo, to the effect that the persons to be appointed to confer upon the subject of indemnification in the case of the British steamer Magicienne would meet for that purpose at New York instead of at Key West, and informing me that you have accordingly named Mr. Edward Mortimer Archibald, her Majesty's consul for the State of New York, as referee, and that on receiving my answer to your note now before me you will be ready to instruct him to confer with Mr. William M. Evarts, the referee named on the part of this government.

In reply, I have the honor to inform your lordship that the selection of Mr. Archibald is satisfactory, and that Mr. Evarts will immediately be apprised of the fact.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, *&c., &c., &c.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 11, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 2d instant, in which, under the instructions of her Majesty's government, you renew their demand for adequate compensation in the case of Captain Sherwin, and to state that it will be taken into due consideration.

The certificates which accompanied your note are herewith returned to you.

I have the honor to be your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, *&c., &c., &c.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 11, 1863.

MY LORD: I have the honor to communicate a copy of a letter of the 28th ultimo, addressed to this department by the Secretary of War, and of the papers

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to which it refers, relative to the case of John Hardcastle, a British subject, who, unfortunately, lost his life from a persistent disregard of the rules of the Old Capitol prison, where he was confined. The impression of this department is, that the subject, as now presented, relieves this government from further just accountability.

I have the honor to be, my lord, your very obedient servant,

WILLIAM H. SEWARD.

To LORD LYONS.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,
Washington City, October 28, 1863.

SIR: In reply to your letter of the 15th of August last, enclosing a copy of a note from Lord Lyons, in which, under instructions of his government, a representation was made concerning the circumstances attending the death of Mr. Hardcastle at the Old Capitol prison, I have the honor to transmit herewith copies of a report of Brigadier General Martindale, military governor of the District of Columbia, and an accompanying statement from the superintendent of the Old Capitol prison, together with a review of the same by the judge advocate general of the army.

While this department sincerely regrets that Mr. Hardcastle came to his death while in the custody of the United States military authorities, you will perceive that the facts elicited by the careful investigation which has been made do not require the admission of the grave representations which Lord Lyons was instructed to make, whether these representations affect the arrest and confinement of Mr. Hardcastle in the first instance, or the subsequent lamentable affair which resulted in his death.

I have the honor to be, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

JUDGE ADVOCATE GENERAL'S OFFICE,
Washington, October 22, 1863.

SIR: In the case of *Hardcastle*, a *British subject*, accidentally shot by a sentry while in confinement at the Carroll prison, in this city, on the 25th of May last, I have the honor to submit as follows, in response to your indorsement of reference of the 20th instant:

This case came before the War Department from the Department of State upon a communication from the British minister to Mr. Seward, of August 13 last.

In this communication Lord Lyons, after setting forth the views of her Majesty's government with regard to the original imprisonment of Hardcastle, as well as the manner of his death, concludes as follows:

"The whole case leaves a very painful impression upon the minds of her Majesty's government. The liberty of a British subject was (they conceive) interfered with, without any serious cause, and in apparent breach of good faith; the representations of her Majesty's legation in his behalf did not produce his release; and in the end his life was carelessly sacrificed by the accidental result of a rough and unmerciful system of prison discipline, excused on the ground of the unsuitableness and the overcrowded state of the United States military prisons."

From the various reports and papers furnished the War Department by Brigadier General Martindale, military governor of the District of Columbia, who has evidently investigated the subject with care, the causes of the confinement of Hardcastle, and the facts of his death, are found to be as follows:

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Hardcastle was placed in confinement in the Carroll (or Old Capitol) prison on the 17th of April last. He had arrived at Port Conway, below Falmouth, with a flag of truce from the rebel army, having come from Richmond under a pass from General Winder, indorsed by General Lee. On his arrival within our lines he was forwarded in arrest by General Patrick, Provost Marshal General of the army of the Potomac, to the Provost Marshal at Washington, with the papers found upon his person, describing him as a British subject, and with a communication from General Patrick calling attention to an apparent want of genuineness in these papers tending to discredit their *bona fide* character.

It is well remarked by General Martindale "that the effort to prevent intercommunication for improper purposes across the lines of our armies would be abortive if the reception of persons under a flag of truce should be held to preclude detention for the purpose of further examination."

It has accordingly been customary with this government to require this detention and examination, as a precaution, in the majority of cases, absolutely necessary to be taken against the designs of those classes of persons who, by the laws and customs of war, should properly be excluded from the privilege of penetrating within our territory. That the enforcement of this rule should sometimes subject neutrals to temporary inconvenience is perhaps inevitable; but it has been the purpose of this government to require this detention in those cases only when the conduct, the business, or the credentials of the party are not found to furnish a sufficient guarantee that his object in seeking to enter our lines is such as may properly be had in view by a citizen of a neutral power.

In the case of Hardcastle, the facts brought to light upon his examination, (which was pending at the time of his death,) and subsequently, were such, it is believed, as to fully justify his arrest and detention, as well as the suspicion in regard to his actual character and antecedents which appear to have arisen at the time of his arrest.

It is shown that he had resided for eight years in the United States, eight months of which period had been passed by him in the southern States; that his sympathies were with the rebels; that without authority from the United States government to pass beyond our lines, he had succeeded in doing so, and had proceeded to Richmond, Charleston, and Savannah; that his profession being that of a pyrotechnist, he had visited Charleston in this capacity, and had actually rendered services as such in the construction of torpedoes for the defence of the harbor of that city. Most of these facts were made known by the prisoner himself, in statements made by him to Mr. Wood, the superintendent of the prison; but it is to be observed that these statements were made freely and voluntarily, and in a boastful manner, especially when the defences of Charleston were alluded to, the prisoner frequently vaunting their magnitude and impregnable character.

In view of these antecedents of his, and especially of the services represented by him to have been rendered the enemy in the preparation of engines of war, it is submitted that the arrest and confinement of Hardcastle were fully warranted, and that his liberty as a British subject was not interfered with without cause, or in breach of that good faith which should prevail between this government and that of a neutral power. Is not his case, indeed, more truly presented, when it is said that his acts in secretly making his way across our lines without any passport whatever, in defiance of the authority of the United States, and in subsequently giving important aid and comfort to the rebellion after having enjoyed the protection of our laws during a residence of more than seven years, were such as to oblige our government, if not to imprison him as an enemy, at least to confine his person until the most satisfactory guarantees were tendered as to his strict neutrality in the future? It can be held in nowise a violation of the flag of truce, which had procured him safe conduct beyond the rebel lines, that he was received from it subject to the regulations of military police which had been adopted in our armies. May he not himself rather be deemed to have abused the privilege of the flag, in availing himself of the opportunity which it afforded him of reaching our lines, when, if his character and antecedents had been known, he would assuredly not have been received under it at all?

From the reports received in relation to the shooting of Hardcastle, the circumstances of his death are found to be these:

The prison in which he was confined fronted directly upon a main street of Washington, and was thus so situated that communication between prisoners and persons outside could have been readily indulged in if no precautions had been taken to prevent it. That the parties in confinement should be debarred, not only from such communication, but from the view of persons passing on the street, would appear to be most desirable in a city like Washington, situated near the enemy's lines, constantly menaced by his forces, and frequented by parties in secret sympathy with the rebellion, or engaged in enterprises prohibited by the laws of war. Such parties would naturally seek to communicate, if possible, with their friends in confinement, for the purpose of advising with or assisting them, or in procuring their escape. It appears that to facilitate such intercourse the bars of the windows have in several cases been cut through; and it was to prevent this communication as effectually as possible that *screens* were erected outside the windows, rising to a height of four feet above the sills, and

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projecting about eighteen inches beyond them towards the street. The prisoners were forbidden to look or extend their bodies over and outside of these screens; and the guards on duty at the prison were instructed to warn prisoners making their appearance above the screens to withdraw at once, and if they persisted in disregarding this warning to fire upon them.

On the 25th of May Hardcastle and a prisoner named Pleasonton were both standing inside the screen, (and therefore outside the wall of the prison,) and were leaning over the top, in full view of the street. Their appearance in this position being in direct contravention of the rules and discipline of the prison, and calculated to excite disorder on the street, they were repeatedly and in civil language admonished by the sentry, Chapman, to withdraw. Instead of so doing they remained, and commenced to argue with the sentry as to their rights.

At this juncture Mr. Wood, the superintendent, passed by, and at once called the attention of the prisoners to the impropriety of their behavior, and urged their complying with the directions of the sentry, who, as he explained to them, had no discretion but to execute the orders which had been given him by his officer. Mr. Wood added, were he in the sentry's place he should (under the circumstances of this persistent refusal to retire on the part of the prisoners) enforce his commands by firing upon them.

It is further shown that about this time the "officer of the keys," attached to the prison, went to the door of the room in which Hardcastle and Pleasonton were confined, and admonished them of the danger to which they were subjecting themselves by their conduct.

The prisoners, notwithstanding these repeated warnings, refused or neglected to retire within the screen; whereupon the sentry discharged his piece, and Hardcastle was mortally wounded, so that he died in a few hours.

It would appear, though it is not certainly established, that the sentry, in firing, aimed his piece at Pleasonton. The latter is alleged to have used insulting language towards the sentry, and to have been particularly demonstrative in his disregard of the directions of the latter.

It further appears that, prior to the occurrence of May 25, Hardcastle had repeatedly disobeyed the orders both of Mr. Wood and his subordinates by conduct similar to that which has been described, and by communicating from above the screen with persons outside; and, moreover, that ever since the commencement of his imprisonment, he has been in the habit of disregarding the rules presented for the government of the prison. It is represented, in fact, by Mr. Wood, that Hardcastle had, in conjunction with one James, become so regardless of discipline as to render it necessary to place them both in close confinement. It was not until James had been sent to Richmond for exchange that Hardcastle was removed to the room which he occupied at the time of his death.

Under all the facts, as they appear in evidence, it is submitted that the life of Hardcastle cannot justly be held to have fallen a sacrifice to a "rough and unmerciful system of prison discipline," but rather to have been forfeited by his persistent neglect to observe a necessary and salutary rule established in the prison, (with his full knowledge,) and after repeated warning of the probable and legitimate consequences of his behavior in this regard. And it is conceived, therefore, that neither the sentry, who in firing obeyed the orders of his officer, nor the inferior officer, who imparted these orders, nor the superior who issued them in the first instance, can be deemed responsible in any way for Hardcastle's death.

Nor is it necessary to excuse the rule in question on the ground of the "unsuitableness or the overcrowded state of the prison." Such rule, or a similar one, would have been found necessary in any military prison similarly situated.

It is represented that these screens allowed ample light and ventilation for the rooms, so that there could have been nothing to complain of in their erection, except on the part of prisoners who were thus more effectually prevented from holding communication with friends outside, or from gratifying their curiosity by observing what occurred beyond their prison walls.

In fine, the belief is confidently entertained that when the facts above set forth (resulting from a recent and thorough investigation of the affair) are brought to the knowledge of her Majesty's government, the prisoner (Hardcastle) will be viewed as the victim of such a casualty as may at any time be apprehended by one who has placed himself in the wrong.

For the purposes of this inquiry, it is not deemed at all important to determine whether the shot was, in fact, aimed at Pleasonton or Hardcastle, since the latter, at the moment of the firing, had incurred precisely the same guilt as the former, and by placing himself defiantly in the position which he occupied must be regarded as having wantonly thrown his life away.

Respectfully submitted.

J. HOLT, *Judge Advocate General.*

Hon. E. M. STANTON, *Secretary of War.*

HEADQUARTERS MILITARY DISTRICT OF WASHINGTON,
Washington, D. C., August 31, 1863.

SIR: Herewith I have the honor to transmit, for your information, copies of the papers heretofore sent from these headquarters, including the report of Captain Mix, in relation to the death of John Hardcastle, a prisoner of state, confined in the Carroll prison.

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The copy of the communication of the British minister commenting on the case is also respectfully returned with the following report:

In view of the serious charges contained in that communication, expressed in the statements "that the liberty of a British subject was interfered with, without any serious cause, and in apparent breach of good faith; that his life was carelessly sacrificed by the accidental result of a rough and unmerciful system of prison discipline," I respectfully call your attention to the facts bearing on these points.

Captain Mix reports that the sentinels were instructed to warn all persons to keep their heads within the window, and if the prisoners persisted in disobeying, to fire their pieces. But Captain Mix also explains that the bars of the windows had all been cut away by the prisoners, and had been replaced by plank screens, which projected eighteen inches from the sills of the windows, and rose four feet above them. This arrangement, while affording light and ventilation to the prisoners, completely excluded them from the view of persons passing in the street below, and from communication with them, except when the prisoners mounted on the sills of the windows and placed their heads over the screen, a position which was quite outside of the prison walls, insecure, and calculated to excite disorder in the street. The piece of the sentinel was discharged at a prisoner who not only persisted in occupying one of those screens or boxes after repeated warning that he must retire, but was using insulting language to the sentinel. Hardcastle, as I am informed and believe, was outside of the prison walls, within the screen at the same time, which explains the fact that the shot took effect on his person.

I have already explained in a former report why it has been necessary to make temporary use of the Carroll place as a prison, and the reasons for interdicting communication between prisoners and the passengers in the street. To that report I respectfully refer. Submission to the order excluding prisoners from the screens has been, and is, indispensable to secure them in confinement, and prevent public disorder in the city, now occupied as the chief military depot in the United States. It is the enforcement of that submission by firing at an offender, in a case where resistance had been persisted in, accompanied by insult to the sentinel, for half an hour, which the British minister has presented as the accidental result of a "rough and unmerciful system of prison discipline."

I assume that the apparent breach of good faith, alleged by the British minister, consists in detaining Hardcastle in confinement after receiving him through the rebel lines under a flag of truce.

In my report of the 15th of June, ultimo, I made no reference to the reasons for the detention of Hardcastle. No explanation on that point was required or deemed pertinent. He was received at Falmouth, Va., under a flag of truce, on or about the 16th of April, 1863, and was forwarded in arrest to the provost marshal of the army of the Potomac to the provost marshal at Washington, together with papers found on his person, describing him as a British subject, and with a communication calling attention to a fact apparent in the papers tending to discredit their genuineness. The effort to prevent intercommunication for improper purposes across the lines of our armies would be abortive if the reception of persons under a flag of truce should be held to preclude detention for the purpose of further examination.

No stronger case than Hardcastle's can be desired to illustrate this point, for, as will appear by the report of the prison superintendent, herewith transmitted, disclosures were made during his confinement tending to show that he had penetrated, without a passport from the United States government, through our lines into the rebel States, there to engage in employment as a pyrotechnist, and had actually rendered service to the rebels in that capacity. It was during a suspension of the examination of Hardcastle, and before it was completed, that he was accidentally killed. This is the detention which the British minister has presented as an "interference with the liberty of a British subject without any serious cause, and an apparent breach of good faith."

I have the honor to be, very respectfully, your obedient servant,

J. H. MARTINDALE,
Brig. Gen. and Military Governor.

Hon. E. M. STANTON,
Secretary of War.

OLD CAPITOL PRISON,
Washington, D. C., August 29, 1863.

SIR: Agreeably to your request of yesterday, I have the honor to report in the case of the late Mr. John Hardcastle, as follows:

From the rules and usages of the prison, it has been customary for me to hold frequent communications with the prisoners on subjects connected with their confinement, which fact can be clearly established by the records of the prison. In the latter part of April or

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beginning of May last Mr. Hardcastle informed me that he was a British subject, residing in the United States about eight years, eight months of which he had recently spent in the rebellious States; that he was a pyrotechnist; that his sympathies were with the south, and that nearly every Englishman he had there met with regarded the southerners as of their own kindred, free from the plebeian proclivities of the conglomerated mass composing the inhabitants of the northern States; that he had run the blockade and visited Charleston, Savannah, Richmond, and other southern cities, and contributed by his knowledge and experience in the getting up of the torpedoes in Charleston harbor, and frequently boasted of the magnitude and impregnability of its defences. He stated that he left Richmond in April last, and obtained a pass from General Winder, indorsed by General Lee, to carry him to our lines, and that he had no authority from the United States government to enter or leave the Confederate States; that he came to Fort Conway, *via* flag of truce, and was taken to the headquarters of General Patrick, Provost Marshal General of the army of the Potomac, who forwarded him to Captain Todd, provost marshal of Washington city, by whom he was committed to my custody.

His appearance was respectable and genteel, and, as in all such cases of British subjects, I treated him with the same kindness and courtesy as that bestowed upon United States officers in my custody.

I was not long in ascertaining that Mr. Hardcastle belonged to that class of Englishmen who had been piloted through our lines by certain parties whose headquarters are in Baltimore, and of the existence of which the detective department is fully aware, having had prisoners in my charge of the same class, among whom were Captain Winn and George A. Lawrence, stated visitors at the Baltimore club-house, the headquarters where all the preliminary arrangements are made for such persons to depart and enter our lines.

Major Turner, judge advocate of the War Department, requested me to extend extra attention to Captain Winn while in my charge, which I fully complied with, and the liberties and privileges thus bestowed upon him were taken advantage of, and he effected his escape from the prison. For the escape of this prisoner I was censured, which determined me to exercise extra precautions with that class of prisoners in future. About the time of Mr. Hardcastle's imprisonment, a notorious character named James was also incarcerated, who together, on all occasions, openly and persistently violated the rules and discipline of the prison. You are well aware of their tenor. The health of the prisoners, the cleanliness of the apartments, and the treatment they usually receive, have been generally spoken of in the highest terms by all who have ever been under my care. One of your staff officers makes weekly and special inspection of the prison and the prisoners, and announced to them that all causes of complaint, no matter of what character, will be investigated and removed upon written application to the judge advocate, or other members of your staff.

The continued violation of the rules, &c., by Hardcastle and James caused them to be confined together in close confinement. James was soon after sent to Richmond for exchange, and Mr. Hardcastle removed to a front room, No. 32, one of the most pleasant and comfortable rooms in the prison.

For the purpose of ventilation a wooden frame-work was made to extend from the front windows, and of sufficient height to prevent communication with parties in the street.

In violation of frequent instructions from myself and others under me, the prisoners in this room were in the habit of extending their bodies beyond the lines of these frames and the front of the building, and communicating with parties on the outside. The negligence of the sentinel on that post, in permitting this violation, was complained of to the officer of the guard by myself but a day or two previous to Hardcastle's death. On that morning I came from the Old Capitol prison, in company with Captain Mix, and saw the prisoners in that room protruding their heads beyond the top of the wood work, and some 18 inches beyond the line of the building. The sentinel on duty (now a prisoner in my custody) politely requested them to retire to the proper distance inward, which they disregarded, and commenced to argue with him as to their rights, &c. I called the attention of the prisoners to their impropriety, and urged them to obey the sentinel, as he (the sentinel) had no discretionary powers of delay or argument, and stated that were I on duty at his post I should certainly enforce my command by shooting at them. The officer of the keys also went to the room door and warned them of their danger. The continued disregard on the part of the prisoners of all these warnings and instructions no doubt led to the death of Mr. Hardcastle, in the manner and form already made public.

Trusting this statement meets your approbation, I have the honor to be your obedient servant,

WILLIAM P. WOOD,
Superintendent of Old Capitol Prison.

Brig. Gen. MARTINDALE,
Military Governor.

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Lord Lyons to Mr. Seward.

[Immediate.]

WASHINGTON,
Wednesday night, November 11, 1863.

MY DEAR SIR: Persons hostile to the United States, who have sought an asylum in Canada, appear to be engaged in a serious and mischievous plot. Indeed, if the information which has reached the governor general be correct, they have a project for invading the United States, and attacking and destroying the city of Buffalo. They propose to get possession of some of the steamboats on Lake Erie, to surprise Johnston's island, and set free the prisoners of war who are confined there, and to proceed with them to attack Buffalo. The governor general suggests that steamboats should be watched, and he appears to have some suspicions connected with Ogdensburg. He has taken all the precautions in his power; has ordered a sharp lookout to be kept on the Welland canal, and desired that any steamboat giving cause for suspicion by the number or character of the passengers on board shall be arrested.

You will excuse my disturbing you so late. The information has only just reached me by telegraph, and it may be important that you should know it without delay.

The governor general authorizes me to communicate it to you.

Believe me to be, my dear sir, your faithful servant,

LYONS.

Hon. WILLIAM H. SEWARD.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 12, 1863.

MY LORD: I have the honor to acknowledge the note which was sent to me by your lordship at a late hour last night, apprising me, at the request of his excellency Lord Monck, the governor general of Canada, of a rumored plot to disturb the peace and security of the lake frontier. After thanking you, in the name of the President, for information conveyed in so just and liberal a spirit, I have now to state to your lordship that the necessary measures have been taken to defeat the criminal enterprise to which I have alluded. Major General Dix will at once repair to the frontier, and take charge of the execution of these measures. Solicitous that they may be conducted in perfect comity and respect towards her Majesty's authorities, I have, by the President's direction, requested the honorable Preston King to visit Lord Monck, and to confer with him upon the subject, so as to secure a perfect understanding between the governor general and the agents of the United States. I will esteem it a favor if you will communicate to him the facts I have stated and the views I have expressed in this note.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, *&c., &c., &c.*

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Lord Lyons to Mr. Seward.

WASHINGTON, *November* 21, 1863.

SIR: Her Majesty's government have had under their consideration the note which Mr. Stuart had the honor to address to you on the 24th September last respecting the case of the Labuan, as well as the reply which you were so good as to make to that note on the 30th of the same month.

Her Majesty's government cannot regard the conduct of the district attorney at New York, with respect to procuring *ex parte* evidence from Matamoras, as consistent with the terms of your note to me of the 9th April last; nor can they consider this proceeding as one in accordance with the usual practice of prize courts. Her Majesty's government are advised that, according to that practice, evidence might properly be admitted before commissioners appointed by the court, limited to the purpose of ascertaining the amount of damages really sustained; but after sentence upon the merits in the principal cause, to allow fresh evidence to be admitted as to the principle and law of the case, to which alone the evidence suggested by the district attorney would seem to apply, is, her Majesty's government believe, without precedent in the practice of prize courts, either in England or in America, and fraught in the present case with manifest injustice.

Her Majesty's government have throughout maintained the position that the peculiar circumstances of this case rendered it an affair between the two governments, and it was pointed out to the government of the United States that to refer the case to the prize court would be attended with no other consequences than an increase of costs and expenses, and the infliction of the further injury of delay in redress to the claimants.

Under these circumstances, I am directed to state to you that though the question of the *amount* of damages may be open to further evidence, her Majesty's government consider that the principle is not open to controversy, and, consequently, that the evidence which it is proposed now to adduce is wholly irrelevant; and I am desired to add, that her Majesty's government much regret, after all that has passed, the additional injury of further delay thus inflicted upon the claimants, which appears to them to be without justification or excuse.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 25, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 21st of November instant, by which I am informed of the views of her Majesty's government on the proceeding of the United States district attorney at New York in procuring additional evidence concerning the amount of damages in the prize case of the steamer Labuan.

Her Majesty's government already understand that damages, in the case of the Labuan, can only be paid by the executive department of this government when an appropriation shall have been made for that purpose by Congress. They have also been informed of the grounds on which the Executive deems it important to have an assessment of the damages made by the prize court in New

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York, to aid in forming the Executive judgment as to the amount which Congress shall be asked to appropriate. I am not able to agree with her Majesty's government in the apprehension that injustice is likely to result from the admission of such additional evidence as the district attorney proposes to obtain. But it does not belong to me to determine now what evidence the district attorney shall offer or shall withhold from the prize court when it comes to assess the damages, although, on a review of the assessment, I think it will be pertinent for me, under the President's directions, to scrutinize the evidence on either side, and upon every possible suspicion favorable to the administration of equal and exact justice. For the present I can do no more than to submit the objections of her Majesty's government to the consideration of the prize court itself, so that they may have their just weight in the judicial tribunal. Having done this, I shall reserve special consideration of them, on my own part, until the prize court shall have rendered its decision upon the damages in question. I cannot willingly believe that this course will prove unsatisfactory to her Majesty's government.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

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FRANCE.

Mr. Dayton to Mr. Seward.

No. 371.] PARIS, *October* 29, 1863.

SIR: I received notice by telegraph last night, and again this morning, that the rebel propeller Georgia, Maury, captain, came into the port of Cherbourg last night, for what purpose I have not yet learned. This morning I have communicated the fact to Mr. Drouyn de l'Huys, making the same character of protest as in the case of the Florida. He said that he regretted very much she had not gone on her way without stopping, but would state the fact to his colleague, the minister of marine.

I informed him, likewise, that I had received an answer from Captain Winslow, of the United States ship Kearsarge, at Brest, to the notice that if he waited until the departure of the Florida he could not follow until the expiration of twenty-four hours. It seems that Captain Winslow has kept fires on his vessel, with a view to forging purposes and the condensation of sea-water, which is alone used on board for drinking, and the smoke emitted has given rise to the report that he was keeping up steam to immediately chase the Florida, in defiance of the notice served upon him, soon after his arrival, by the admiral in command of that department.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Dayton to Mr. Seward.

[Extract.]

No. 373.] PARIS, *November* 6, 1863.

SIR: The imposing ceremony of the opening of the Chambers by the Emperor came off yesterday. His Majesty's speech was much applauded; that portion of it in reference to Poland particularly so. The speech is thought to be an important one, especially as affects Russia. The general impression among the diplomatic corps, so far as I heard it, was that it foreshadowed an ultimate war with Russia. I doubt it. Russia, it is said, is ready for a European conference, as to all general matters, Poland included, but that other of the great powers are not. Should this be so, the Emperor will gain time, and his programme ultimately fall to the ground without, it will be said, his fault. In any event, he will have it to say that he has proposed the only practical relief for Poland, whose cause is so popular in France.

* * * * * * * *

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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[Translation.]

Speech delivered by his Majesty the Emperor at the opening of the legislative session, on the 5th of November, 1863.

"*Messieurs les Senateurs—Messieurs les Députés:*

"The annual assembly of the great bodies of the state is always a happy opportunity for bringing together the men who are devoted to the public welfare, and for manifesting the truth to the country. The frankness of our mutual intercourse calms anxiety and strengthens our resolutions. I therefore bid you welcome. The legislative body has been renewed a third time since the foundation of the Empire, and for the third time, in spite of some local dissents, I can only congratulate myself upon the result of the elections. You have all taken the same oath to me. That is a guarantee to me of your support. It is our duty to attend to the affairs of the country promptly and well, remaining faithful to the constitution which has given us eleven years of prosperity, and which you have sworn to uphold.

"The *exposé* of the situation at home will show you that, despite the forced stagnation of labor in certain branches, progress has not been slackened. Our industry has contended successfully against foreign competition, and, in presence of undeniable facts, the fears engendered by the treaty of commerce with England have vanished. Our exports during the first eight months of the year 1863, compared with those of the corresponding months of the year 1862, show an increase of 233,000,000f. During the same period our shipping trade shows an excess over that of the preceding year of 175,000 tons, of which 136,000 are under the French flag. The abundant harvest of the present year is a blessing of Providence, which will assure to the population a cheaper price of food. It is also a proof of the prosperity of our agriculture. Public works have been actively carried on. About 1,000 kilometres of new lines of railway have been thrown open to traffic; our ports, our rivers, our canals, our high roads have been continually improved. As the session has met earlier than has been customary, the report of the minister of finance has not yet been published. It will be produced shortly. You will find therein that, if our expectations have not been fully realized, the revenues have followed a continuous rise, and that, without extraordinary credits, we have been able to meet the expenses caused by the war in Mexico and in Cochin China. I shall have to point out to you various reforms which are deemed advisable—among others, one relating to the freedom of the baking trade, one which will render the maritime conscription less onerous to the populations on the coast, a project for modifying the law on joint-stock companies, and one for suppressing the exclusive privileges for theatres. I have also ordered a bill to be taken into consideration with a view to increase the powers of the general and communal councils, and to remedy the excess of centralization—in fact, to simplify administrative formalities, to modify the laws applicable to the classes deserving of all our solicitude. This will be a step in advance to which you will gladly associate yourselves.

"The sugar question will also be submitted to your consideration—a question which stands in need of a final solution by a more distinct enactment. The project submitted to the council of state tends to grant to home produce the facility of exportation which is granted to sugars of other ports. A bill on registration will abolish the *double décime*, and will replace that impost by more equitable repartition.

"In Algeria, despite the anomaly which subjects the same populations, some to the civil, some to the military authorities, the Arabs have learned to understand the mild and equitable sway of the French rule, while the Europeans do not place the less confidence in the protection of the government.

"Our ancient colonies have seen removed the barriers which obstructed their transactions, but circumstances have not been favorable to the development of commerce.

"The recent establishment of credit institutions will, I trust, improve the state of affairs. In the midst of these material considerations nothing has been neglected which concerns religion and public morals. Religious and benevolent institutions, science, and public instruction have received great encouragement.

"Since 1848 the population of the schools has increased one-quarter. At the present day nearly 5,000,000 children (one-third of them gratuitously) are admitted into the primary schools; but our efforts must not be slackened, as there are still 600,000 devoid of instruction. The higher class of studies has been encouraged in the secondary schools, where special instruction is under reorganization.

"Such, gentlemen, is the substance of what we have already done, and of what we still intend to do. Certainly the prosperity of our country would take a more rapid course if political preoccupations did not trouble it; but in the life of nations events unforeseen and inevitable arise, which must be met without fear and supported without faltering. Of this number are the war in America, the compulsory occupation of Mexico and Cochin China, the insurrection in Poland. The distant expeditions, the objects of so much criticism, are not the result of a premeditated plan. The force of events has brought them about, and nevertheless they are not to be regretted. How, in fact, could we develop our foreign commerce if, on one side, we were to renounce all influence in America, and if, on the other, in the presence of immense territories occupied by the Spanish and Dutch,

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France alone remained without possessions in the Asiatic seas? We have conquered in Cochin China a position which, without subjecting us to the difficulties of local government, will permit us to make use of the immense resources of these countries, and to civilize them by commerce. In Mexico, after an unexpected resistance which the courage of our soldiers and sailors have surmounted, we have seen the population welcome us as 'liberators.' Our efforts will not be in vain, and we shall be largely compensated for our sacrifices when the destinies of that country which will owe to us its regeneration shall have been confided to a prince whom his enlightenment and qualifications render worthy of so noble a mission. Let us, then, have faith in our enterprises beyond the sea. Commenced to avenge our honor, they terminate in the triumph of our interests; and if prejudiced minds do not divine the fruitfulness enclosed in the germs deposited for the future, let us not tarnish the glory thus acquired, so to speak, at the two extremities of the globe—at Pekin and at Mexico. The Polish question exacts more of explanation. When the insurrection broke out in Poland the governments of Russia and France were on the best relations. Since the peace the great European questions had found them in accord, and I do not hesitate to declare it. During the Italian war, as well as at the time of the annexation of the provinces of Nice and Savoy, the Emperor lent me the most sincere and candid support. That good understanding demanded scrupulous care, and I must have believed the Polish cause very popular in France not to hesitate to compromise one of the first alliances of the continent, and to raise my voice in favor of a nation rebellious in the eyes of Russia, but in our eyes the heir of a right inscribed in history and treaties.

"Nevertheless, the question touched the gravest European interests. It could not be treated in isolation by France. An offence to our honor, or a menace against our frontiers, would also impose on us the duty of acting without preliminary concert. It became, therefore, necessary, as to the epoch of the events in the east and in Syria, to come to an understanding with the powers which had reasons on which to pronounce similar to our own.

"The Polish insurrection, on which its endurance has imprinted a national character, awakened sympathies everywhere, and the object of diplomacy was to attract to that cause the greatest possible number of adhesions, in order to bring to bear on Russia the whole weight of the public opinion of Europe. This almost unanimous concurrence of wishes seemed to us the most proper means of inducing a conviction in the cabinet of St. Petersburgh. Unhappily, our disinterested counsels have been interpreted as an intimidation, and the steps of England, Austria, and France, in the place of checking the struggle, have done nothing but to embitter it. On both sides are committed excesses which, in the name of humanity, we must equally deplore. What, then, remains to be done? Are we reduced to the sole alternative of war or silence? No! Without rushing to arms, and without remaining silent, a means is left to us—that is, to submit the Polish cause to a European tribunal. Russia has already declared that a conference in which all the other questions now agitating Europe should be debated would in nowise wound her dignity. Let us note and act upon that declaration. Let it serve us to extinguish once for all the fermentations of discord which are ready to burst out on all sides, and out of the very disquiet of Europe, agitated everywhere by the elements of dissolution, let a new era of peace and of order be born. Has not the moment come for reconstructing on a new base the edifice shaken by time and destroyed piecemeal by revolution? Is it not urgent to recognize by new conventions that which is irrevocably accomplished, and to accomplish by common agreement that which the peace of the world demands? The treaties of 1815 have ceased to exist. The force of events has overthown them or tends to overthrow them. Almost everywhere they have been violated—in Greece, in Belgium, in France, in Italy, as upon the Danube Germany is endeavoring to change them. England has generously modified them by the cession of the Ionian islands, and Russia tramples them under foot in Warsaw. In the midst of these successive violations of the fundamental European compact ardent passions have been excited, and in the south as in the north powerful interests demand a solution. What, then, more legitimate and more sensible than to invite the powers of Europe to a congress, in which self-interests and resistance would disappear before a supreme arbitration? What more conformable to the ideas of the epoch and the will of the greater number than to speak to the consciences and reason of the statesmen of every country, and say to them: 'Have not the prejudices and rancor which divided us lasted long enough? Shall the jealous rivalries of the great powers unceasingly impede the progress of civilization? Are we still to maintain mutual distrusts by exaggerated armaments? Must our most precious resources be indefinitely exhausted in a vain display of our forces? Must we eternally maintain a condition of things which is neither peace with its security nor war with its happy chances? Let us no longer lend a factious importance to the subversive spirit of extreme parties by opposing ourselves on narrow calculations to the legitimate aspirations of peoples. Let us have the courage to substitute for a sickly and precarious condition of things a situation solid and regular, even should it cost us some sacrifices. Let us assemble without preconceived system, without exclusive ambition, animated alone by the thought of establishing an order of things for the future on the well-understood interests of sovereigns and peoples.

"This appeal, I am happy to believe, will be listened to by all. A refusal would suggest the existence of secret projects which shunned the light. But even should the proposal be not unanimously agreed to, it would produce the immense advantage of having pointed out

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to Europe where the danger lies, and where the safety. Two roads are open—the one conducts to progress by conciliation and peace; the other, sooner or later, leads fatally to war, from obstinacy in maintaining a path which is sinking beneath the feet. You know, now, gentlemen, the language which I propose to hold toward Europe. Approved by you, sanctioned by the public, it cannot fail to be listened to, since I speak in the name of France."

Mr. Seward to Mr. Dayton.

No. 427.] DEPARTMENT OF STATE,
Washington, November 9, 1863.

SIR: I was absent from this city from the 1st until the 9th day of November in attendance on a member of my family dangerously ill at Auburn. Owing to this cause my notices of those of your communications which were received during that interval will be found dilatory, and perhaps, for the moment, imperfect.

Your despatch, No. 365, has been received. It relates to the United States ship-of-war Kearsarge and the piratical vessel Florida. I cannot say that this government is satisfied with the decision of the French government to treat the Florida as a ship-of-war, or with any of the proceedings which the Emperor has based upon that decision. The President is in no case likely to concede that the government of the Emperor was justified in regarding as a lawful belligerent a vessel that was built, armed, manned, equipped, and despatched from a foreign port to make war against the United States, and has pursued a piratical career in violation of the law of nations ever since she left that port. Nevertheless, your proceeding in advising the commander of the Kearsarge to avoid a conflict with the French authorities is approved, because the United States will respect the authority of France, in her own dominions, so long as France does not assail the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WM. L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 428.] DEPARTMENT OF STATE,
Washington, November 10, 1863.

SIR: Your despatch of October 21 (No. 366) has been received.

The subject of a licence for the exportation of the French tobacco through our blockade has been heretofore much discussed here with a disposition to do an act of liberality towards the imperial government. But recently that disposition has been much embarrassed by the proceedings at Brest in regard to the Florida, and the discovery of the armament of pirates at Nantes and Bordeaux, for hostilities against the United States. The subject will again be considered by the President, in view of the very prompt and honorable proceedings of the imperial government in arresting the armaments in the French ports, and Mr. Mercier will be informed of the decision.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

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Mr. Seward to Mr. Dayton.

[Extract.]

No. 429.] DEPARTMENT OF STATE,
Washington, November 10, 1863.

SIR: I find here, on my return from Auburn, your two despatches, one of October 22, (No. 367,) the other of October 23, (No. 368,) together with a copy of Mr. Drouyn de l'Huys's note, which announces the withdrawal of the authorization that had been imprudently granted to Mr. Arman for building the iron-clads which he designed for the enemies of the United States.

You will express to Mr. Drouyn de l'Huys the satisfaction with which the President regards this wise and just proceeding—a proceeding equally honorable to France, and loyal to the relations existing between that country and the United States.

* * * * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., *&c., &c., &c.*

Mr. Dayton to Mr. Seward.

No. 374.] PARIS, *November* 13, 1863.

SIR: Your despatches from No. 411 to No. 424, inclusive, are received, (excepting, however, Nos. 421 and 423.)

Mr. Drouyn de l'Huys having failed to receive the diplomatic corps yesterday, I have nothing of special interest to communicate.

Although the foreign department did not go so far as to promise me that all work on these vessels building for the rebels at Bordeaux and Nantes should cease, but only that no armament and no delivery should be had, yet our consul at Bordeaux writes me that, on examination, a day or two since, not a man was to be seen employed there. On his prior visits the vessels and the yard itself had been literally alive with men.

The Emperor's speech and his subsequent letter to the European powers, inviting a congress, &c., are now attracting all attention. It is doubtful if any congress, embracing all the great powers, will get together.

I am, sir, your obedient servant,

WILLIAM L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 430.] DEPARTMENT OF STATE,
Washington, November 14, 1863.

SIR: With reference to the instructions of this department to you relative to the exportation of tobacco belonging to foreign governments in the United States, I enclose a copy of an executive order of the 10th instant, by which you will perceive the condition upon which such exportation has been licensed.

It is expected that Mr. Mercier will soon adjust with me the particulars of the

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regulations in regard to the tobacco belonging to France, the most if not the whole of which is understood to be at Richmond.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

EXECUTIVE ORDER.

EXECUTIVE MANSION,
Washington, November 10, 1863.

In consideration of peculiar circumstances, and pursuant to the comity deemed to be due to friendly powers, any tobacco in the United States belonging to the government either of France, Austria, or any other state with which this country is at peace, and which tobacco was purchased and paid for by such government prior to the fourth day of March, 1861, may be exported from any port of the United States under the supervision and upon the responsibility of naval officers of such governments, and in conformity to such regulations as may be prescribed by the Secretary of State of the United States, and not otherwise.

ABRAHAM LINCOLN.

Mr. Seward to Mr. Dayton.

No. 431.] DEPARTMENT OF STATE,
Washington, November 16, 1863.

SIR: Your despatches to No. 370, inclusive, have been received.

In compliance with your request for papers showing the expectations of France and Great Britain in regard to the equipment of privateers in our ports during the Crimean war, I enclose a copy of executive document No. 103, 1st session of the 33d Congress, which contains the correspondence between Mr. Marcy and Messrs. de Sartiges and Crampton, in which those expectations are set forth and answered.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dayton.

No. 434.] DEPARTMENT OF STATE,
Washington, November 25, 1863.

SIR: I have received your despatch of October 29, (No. 371,) which gives an account of the entrance of the pirate Georgia into Cherbourg, and of your proceedings therein. The President's views of these events have been made known in a previous communication.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

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Mr. Seward to Mr. Dayton.

No. 437.] DEPARTMENT OF STATE,
Washington, November 28, 1863.

SIR: I transmit for your information a copy of a communication of the 23d instant, addressed by this department to Major General Banks, and of an instruction of the same date (No. 88) to Mr. Corwin.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., *&c., &c., &c.*

DEPARTMENT OF STATE,
Washington, November 28, 1863.

GENERAL: I have received, and have submitted to the President, your three despatches of the 6th 7th, and 9th, respectively.

I have great pleasure in congratulating you upon your successful landing and occupation upon the Rio Grande, which is all the more gratifying because it was effected at a moment of apparently critical interest in the national cause.

You have already found that the confusion, resulting from civil strife and foreign war in Mexico, offers seductions for military enterprise. I have, therefore, to inform you of the exact condition of our relations towards that republic at the present time. We are on terms of amity and friendship, and maintaining diplomatic relations, with the republic of Mexico. We regard that country as the theatre of a foreign war, mingled with civil strife. In this conflict we take no part, and, on the contrary, we practice absolute non-intervention and non-interference. In command of the frontier, it will devolve on you, as far as practicable consistently with your other functions, to prevent aid or supplies being given from the United States to either belligerent.

You will defend the United States in Texas against any enemies you may encounter there, whether domestic or foreign. Nevertheless, you will not enter any part of Mexico, unless it be temporarily, and then clearly necessary for the protection of your own lives against aggression from the Mexican border. You can assume no authority in Mexico to protect citizens of the United States there, much less to redress there wrongs or injuries committed against the United States or their citizens, whether those wrongs or injuries were committed on one side of the border or the other. If consuls find their positions unsafe on the Mexican side of the border, let them leave the country, rather than invoke the protection of your forces. These directions result from the fixed determination of the President to avoid any departure from lawful neutrality, and any unnecessary and unlawful enlargement of the present field of war. But, at the same time, you will be expected to observe military and political events as they occur in Mexico, and to communicate all that shall be important for this government to understand concerning them. It is hardly necessary to say that any suggestions you may think proper to give for the guidance of the government in its relations towards Mexico will be considered with that profound respect which is always paid to the opinions which you express.

In making this communication, I have endeavored to avoid entering into the sphere of your military operations, and to confine myself simply to that in which you are in contact, with the political movements now going on in Mexico.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

Major General N. P. BANKS,
Commanding the Department of the Gulf, Brownsville, Texas.

Mr. Seward to Mr. Corwin.

No. 88.] DEPARTMENT OF STATE,
Washington, December 23, 1863.

SIR: Your despatch of October 26 (No. 47) has been received and submitted to the President, and you will accept his grateful acknowledgments for the very

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interesting information and judicious observations which it contains concerning the present condition of Mexico.

In reply to an inquiry contained in your despatch, I have to inform you that, in the absence of further instructions from this department, you will be expected to remain in the same relations as now towards the government of the United States in Mexico.

If for any cause your residence in the city of Mexico shall become intolerable or seriously inconvenient, you will be at liberty to resort to any other part of the country, or to return to the United States. No contingency is now anticipated in which you will be expected to address yourself to any other government than the one to which you are accredited.

I give you, for your information, a copy of an instruction that has been given to Major General Banks since his occupation of Brownsville, in Texas.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS CORWIN, Esq., &c., &c., &c.

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SELECTIONS

FROM

CONSULAR CORRESPONDENCE.

[NOTE.—Most of the consular correspondence, which it is deemed expedient to communicate to Congress, usually accompanies the report of the Secretary of State on the commercial relations of the United States with foreign countries, which is transmitted to Congress agreeably to the provisions of the acts of August 16, 1842, and August 18, 1856, unless any of such correspondence is otherwise specially required to be communicated by either branch of Congress.]

GREAT BRITAIN.

Mr. Winthrop to Mr. F. W. Seward.

[Extract.]

No. 50.] UNITED STATES CONSULATE,
Malta, September 16, 1862.

SIR: I would beg to inform you that Messrs. Tolentini, Rara, and Pignachi, three educated young officers who were with General Garibaldi in his recent expedition, are now leaving for the United States on purpose to join our army. Many others who are similarly situated will be readily disposed, with little assistance, to pursue a similar course. I shall do what I can to aid them in carrying out their honorable intentions. The most whom I have met of the Garibaldian volunteers are high-spirited, gallant young men, and well acquainted with military tactics from having served in the regular army.

Mr. Tolentini, who kindly favored me with his notes during the recent campaign, was introduced by the Spanish consul, and is highly recommended.

Being without passports or means, I have given these officers some certificates.

* * * * * * * *

I have the honor to be, sir, your most obedient servant,

WILLIAM WINTHROP,
United States Consul.

F. W. SEWARD,
Assistant Secretary of State, Washington, D. C.

Mr. F. W. Seward to Mr. Winthrop.

No. 75.] DEPARTMENT OF STATE,
Washington, October 16, 1862.

SIR: Your despatch, No. 50, in regard to the employment of foreign officers in our service, has been received.

The course which you have adopted does not meet with the approval of the department.

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Its views upon this subject were communicated to you and the other consular officers of the United States in circular No. 11, on the 8th of May last. A copy of that circular is herewith again transmitted, by which you will be careful hereafter to be guided.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

W. WINTHROP, Esq.,
United States Consul, Malta.

[Circular to Consular Officers, No. 11.]

DEPARTMENT OF STATE,
Washington, May 8, 1862.

SIR: You are doubtless aware that since the outbreak of the rebellion in this country many military officers who have served with distinction in the armies of Europe have arrived here for the purpose of offering their services to this government.

Some of those who brought testimonials from United States ministers abroad have been furnished with commissions.

As, however, it is not now in contemplation to increase the number, either in officers or soldiers already in the field, you will inform all such foreign officers as may apply to you for service in the army of the United States, that the government, while grateful for such offers, must, for the future, decline accepting them, as the list of officers is complete, and recruiting for the rank and file has been ordered to cease.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

W. WINTHROP,
Consul of the United States, Malta.

Mr. Underwood to Mr. Seward.

No. 6.] UNITED STATES CONSULATE,
Glasgow, November 5, 1862.

SIR: I have just been informed of a new way "to raise the wind," adopted by the confederate government, and now in full tide of experiment here and in England.

Certificates or obligations promising to pay or deliver a certain quantity of cotton at any of the confederate ports to the holder or bearer, at a price according to its quality, fixed in the certificate or obligation, are issued by the confederate government, and sent out here for sale. They are presented, before being placed on the market, to Mr. Mason, who certifies to their genuineness and legality. Appropriate blanks are filled up, according to the quantity and quality of the cotton to be furnished and the price paid, and which price is about fivepence per pound. And the party thus acquiring and holding one of these obligations has the right to demand, at any time when presented at any of their ports, cotton corresponding with the quality described.

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I do not vouch for the accuracy of this statement; it is, however, furnished me by a gentleman of high character and intelligence as true.

I have the honor to be your most obedient servant,

W. L. UNDERWOOD,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Underwood.

DEPARTMENT OF STATE,
Washington, November 24, 1862.

SIR: Your despatch No. 6, of November 5, has been received. The scheme of the insurgents to raise funds, which you describe, is dependent on their success. It is coining the sympathy of their friends in Europe, and that is a source of revenue always speedily exhausted. The present efficacy of the blockade is quite likely to hurry the natural decline of credit built on so precarious a foundation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

W. L. UNDERWOOD, Esq.,
United States Consul, Glasgow.

Mr. Dudley to Mr. Seward.

No. 188.] UNITED STATES CONSULATE,
Liverpool, December 8, 1862.

SIR: I have just learned more about the sale of the confederate bonds. Some of the particulars I wrote are not correct. The amount raised is seven hundred and fifty thousand pounds sterling. The amount of bonds sold are three millions of pounds sterling. The rate at which they were sold, or taken, was five shillings on the pound, equal to twenty-five cents per dollar. They have been taken by merchants, manufacturers, and, probably, others. Cotton has been pledged for their redemption. The price is seven cents per pound in the States. I have not as yet learned when the bonds are to be paid or how the pledged cotton is to be held. I am promised more of the details. Frazer, Trenholm & Company, Leech, Harrison & Forwood, Ranken, Houghton & Company, and Fernie Brothers, have taken large amounts. Three houses at Manchester have taken. From what I learn, most of the prominent houses and business men here have taken more or less of these bonds. I understand they have gone into it as a matter of business. Their calculations are that the bonds will be good, whatever happens. If the south succeeds, (which is considered certain,) the government is bound, and will pay; if they fail, in any compromise or settlement made between the north and the south, arrangements will be made with the north to pay these bonds held by English creditors, (and no doubt Mr. Mason has promised them this;) that if the worst comes, the cotton pledged, in any event, will be forthcoming to pay them. They being British subjects, consider that they can claim this cotton, even as against the government of the United States—if not before, at least after peace is declared. Such are their calculations. The questions of destruction of cotton by fire and repudiation, two favorite measures inaugurated by the south, have been entirely overlooked.

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If their calculations are sound, and the bonds good, it must be confessed in this, as in most other cases, these Englishmen have looked to their own interests, and driven a hard bargain with their particular friends in the south whom they profess so much to admire.

I have the honor to be your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Dudley.

No. 133.] DEPARTMENT OF STATE,
Washington, December 29, 1862.

SIR: Your despatch of December 8, numbered 188, has been received. The information it gives is of the highest importance. You will please give us additional information, as fast as you can obtain it, concerning the names of the negotiators, buyers, and holders of the bonds of the insurgents. It is desirable to know, if possible, the sums held by each party, and the considerations paid for it, whether in money or supplies and munitions.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

T. H. DUDLEY, Esq.,
United States Consul, Liverpool.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 169.] UNITED STATES CONSULATE,
Liverpool, November 11, 1862.

SIR: In the New York Times of October 27 there is a most unfair criticism upon me, and somewhat of a reflection upon the State Department, with regard to the steamer 290, now called the Alabama. * * * * *

I only refer to it to contradict the absurd statement that there has been an agreement or understanding, between the loyal American shippers at Liverpool and the persons controlling the Alabama for the exemption of emigrant ships; and I should not have deemed it necessary even to notice this, if it had been made by a less respectable journal than the New York Times. I have made inquiry of all the leading shipping houses here, and they, one and all, assure me that there is not the least foundation for the assertion. In these very sensitive times, when everything is seized upon, magnified, and distorted, and persons found in well-informed circles credulous enough to believe almost anything, it may be well enough to contradict it.

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I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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Mr. Seward to Mr. Dudley.

No. 121.] DEPARTMENT OF STATE,
Washington, November 28, 1862.

SIR: Your despatch (No. 169) of November 11, 1862, has been received.

The records of this department abound in evidences of your loyalty, activity, and diligence, and they abundantly refute the insidious article to which you have directed my attention. Yet it is hardly worth while to go into the press to correct such misapprehensions. The temper of the times favors the production of such scandals. A new one follows the exposure of any one that is exploded. Happily the public judgment is not profoundly affected by any of them. It is not unlikely that Congress may call for the consular correspondence. In that case your vindication will come before the public, without the manifestation of any uneasiness on your part, and, therefore, it will be more effective.

I have furnished to the Navy Department the interesting facts contained in your despatch now acknowledged.

More iron-clads are necessary for the taking of Charleston. The building of them has seemed slow, but they are now beginning to move to their proper field of duty. The Ironsides and the Passaic have gone there, and eight more, I think, will reach Charleston in time to anticipate the fleets that are now fitting out in Europe.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

T. H DUDLEY, Esq.,
United States Consul, Liverpool.

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT, *December* 12, 1862.

SIR: The necessity of new methods of protecting the interests of the revenue in the transit of goods entering our ports for Canada makes it desirable that I should be possessed of the methods adopted in England, France, Switzerland, Germany, and Austria, in the transhipment of goods across the frontiers or into their ports, for export to a foreign land, with all the forms used, and all the fees charged.

I have the honor to request that you will send me such information as may be in the Department of State; and if this information is not in your possession, I shall be glad if it may be obtained from our ministers and consuls abroad.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Chase.

DEPARTMENT OF STATE,
Washington, December 24, 1862.

SIR: I have the honor to acknowledge the receipt of your communication of the 12th instant, in regard to the collection and protection of the revenue in foreign countries, and to inform you that, agreeably to your suggestion, a cir-

cular letter, of which a copy is herewith enclosed, has been transmitted to our diplomatic and consular officers in Europe, requesting them to furnish the information which you desire.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. S. P. CHASE,
Secretary of the Treasury.

[Circular No. 30.]

DEPARTMENT OF STATE,
Washington, December 24, 1862.

To the Diplomatic and Consular Officers of the United States:

The necessity of devising new modes of protecting the interests of the revenue of the United States, and of carrying such methods into execution, makes it desirable that the Treasury Department should be informed of the means adopted by the several nations of Europe for the protection of their respective revenues and the collection of duties in the passage of goods across the national frontiers, and in the transhipment in their ports for export to a foreign land.

I have, therefore, to request, at the instance of the Secretary of the Treasury, that you will furnish the department with such information upon this subject as you can obtain, in respect to the country of your official residence; also, with the forms which are used, the rules and regulations in force, the fees charged, and other expenses incurred in the foreign revenue service.

WILLIAM H. SEWARD.

Mr. Seward to Mr. Chase.

DEPARTMENT OF STATE,
Washington, March 21, 1863.

SIR: Referring to your communication of the 17th July, in regard to certain provisions of the "act increasing temporarily the duties on imports, and for other purposes," and more particularly the section of that act relating to the verification of invoices, I have now the honor to acquaint you that the instructions upon the subject embodied in circulars Nos. 17 and 29, (copies of which are herewith transmitted,) after having been submitted to the Treasury Department, were transmitted to all our consular officers for their instruction and guidance.

The department is quite aware of the frauds which have heretofore been perpetrated by a system of undervaluation and double invoices, one for the custom-house, and the other for the seller of the imported goods, for the prevention of which frauds various provisions were introduced into the acts of the 30th August, 1842, and the 10th of August, 1846, which were explained and enforced by the treasury circulars of the 11th, 26th, and 28th of November, 1846, and the 7th of August and 26th of December, 1848; and, also, that the introduction into the act of the 17th of July, of the provision which requires *all* invoices to be authenticated by our consular officers abroad, was intended by the framers of that act to meet and correct the fraudulent devices which still continue to be practiced, greatly to the detriment of our revenue.

It has, however, been found, in executing the provisions of the act, that difficulties have arisen which were not anticipated at the time of its passage.

The 17th section of the act requires the oath to an invoice to be administered

by a consular officer of the United States, or, if there be no such officer in the district, by some officer duly authorized to administer oaths.

The difficulties in the way of the execution of this provision are two-fold:

First. In very few foreign countries are our consuls authorized, by treaty stipulation or by the local law, to administer oaths.

Secondly. In scarcely any country are the local officers permitted to administer such oaths as are required by our revenue laws.

This you will more clearly perceive from a perusal of the despatches, herewith enclosed, of which a list is annexed.

In Great Britain, a consul of a foreign state, although authorized by the laws of his own country to administer an oath in verification of a document to be used in such country, would not be recognized by the English law as a person duly authorized to administer an oath, unless also authorized by some enactment of Parliament, of which there is none. Nor would an indictment lie for a false oath to an invoice administered even by a justice of the peace or a commissioner duly qualified to administer oaths, for the reason that the English law does not recognize such oaths as criminal acts.

In France, neither the consul of the United States nor any local magistrate can administer an oath to a French citizen, of the character required by our revenue acts, which would be held valid by a French court of law, unless—which is, perhaps, hardly probable—the case might be brought within the provisions of the 6th article of the consular convention with France.

In Prussia, we are informed by our consul at Aix-la-Chapelle, that it has always been known that an oath administered by a consul has no legal force.

In Sweden, such an oath has only a moral, and not a legal force.

In Italy, the Italian law does not recognize oaths of this nature, (mercantile oaths,) it matters not by whom administered.

In Germany, a consul is not authorized by any of the governments to administer oaths, although he is not prohibited from doing so, and no local magistrate is allowed to administer affirmatory oaths except in open court; hence it follows that the law of Germany, by which oaths are limited to the least number of cases possible, does not regard a false statement made upon oath before any foreign consul as perjury, but as simply a fraud, though aggravated by being perpetrated before an official person, and on a solemn occasion.

An examination of the law of other countries would disclose, it is believed, similar results.

It will thus be seen that some further legislation may be hereafter requisite, unless the objects which the government has in view in protecting the revenue can be accomplished by departmental regulation.

An examination of the revenue laws of other countries shows that it is the policy of foreign governments to limit, as far as possible, the number of cases in which oaths are required to be taken; and, as oaths of the character required by our revenue laws are neither known nor regarded as having legal force, it may be inferred that such oaths, when taken by subjects of foreign countries, not familiar with our laws, before our consuls or in our custom-houses, are regarded as mere forms, and without any authoritative or moral sanction.

May it not be well, then, to notice carefully the modes adopted by the older governments of Europe for the prevention of frauds in the collection of their revenues?

And, in this connexion, I beg leave to invite your attention to the memorandum of Mr. Drouyn de l'Huys, which accompanies the note of Mr. Dayton, our minister at Paris, in which he explains the system of "pre-emption" which is adopted in the French custom-houses; (by this term it is to be understood the government reserves to itself the right to take, on its own account, at the invoice price, any articles therein which it considers to be undervalued.)

Mr. Drouyn de l'Huys observes, that "the adoption of the federal govern-

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ment of this system, eminently favorable to commerce, and at the same time efficacious against fraud, would be, in effect, the best means of remedying the inconveniences of false declarations of value, which it is difficult to prevent in requiring an oath deprived of legal sanction." He concludes by observing "that the French and English governments, whom a long practice has permitted to appreciate the utility of pre-emption, have not hesitated to introduce it, by common consent, in 1860, into their conventional custom duty."

A step in this direction was taken by the enactment of the provisions of the 18th section of the act of 30th of August, 1842, and the instructions of the Secretary of the Treasury to collectors and appraisers, in accordance therewith, of the 28th November, 1846. To what extent the system is now in operation this department has no knowledge.

I may be pardoned also for suggesting that perhaps, in view of the difficulties indicated by our consuls at Belfast and Lyons, in their remarks on obtaining the true valuation of such articles as linens and silks, except by professional experts or individuals of long experience, such a change in our system of appraisement and home valuation as is indicated in an article in Hunt's Merchants' Magazine, volume 37, pp. 679–684, might be found worthy of consideration, especially as it is understood that it has heretofore attracted the favorable regard of the Treasury Department.

I will thank you, after making such use of the information therein as you think proper, to return the despatches which are herewith enclosed.

I should also be pleased to receive from you any suggestions which you may think best adapted to meet and overcome the difficulties which have arisen in executing the law of Congress to which I have invited your attention.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. S. P. CHASE,
Secretary of the Treasury.

[Circular No. 17.]

DEPARTMENT OF STATE,
Washington, July 31, 1862.

To the Consular Officers of the United States:

At the instance of the Secretary of the Treasury I have to call your attention to the twenty-second section of the "act increasing temporarily the duties on imports, and for other purposes," of which a newspaper copy has already been transmitted to you.

You will perceive "that the privilege of purchasing supplies from the public warehouses duty free" is "extended, under such regulations as the Secretary of the Treasury shall prescribe, to the vessels-of-war of any nation, in ports of the United States, which may reciprocate such privilege towards the vessels-of-war of the United States in its ports." A copy of the "regulations" of the Secretary of the Treasury, to which reference is here made, will be transmitted to you.

You are instructed, immediately after the receipt of this circular, to communicate a copy of the provision of the law above mentioned, and also of the "regulations" of the Secretary of the Treasury, to the chief local authority of the consular district in which you reside, and ascertain if the "privilege of purchasing supplies from the public warehouses duty free" is now or will be extended to the vessels-of-war of the United States. You will, immediately after obtaining this information, communicate it to the Secretary of the Treasury, and also to this department.

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Your attention is likewise directed to the provisions of the seventeenth, eighteenth, and nineteenth sections of the same act. A copy of these three sections is hereto annexed.

You will observe that it is provided by the seventeenth section of the act, "that from and after the first day of November, 1862, no goods, wares, or merchandise subject to ad valorem or specific duty, whether belonging to a person or persons residing in the United States or otherwise, or whether acquired by the ordinary process of bargain and sale, or otherwise, shall be admitted to entry, unless the invoice of such goods, wares, or merchandise be verified by the oath of the owner, or one of the owners, or, in the absence of the owner, one of the party who is authorized by the owner to make the shipment and sign the invoice of the same, certifying that the invoice annexed contains a true and faithful account, if subject to ad valorem duty and obtained by purchase, of the actual cost thereof, and of all charges thereon, and that no discounts, bounties, or drawbacks are contained in the said invoice but such as have actually been allowed on the same; and when consigned or obtained in any manner other than by purchase, the actual market value thereof; and if subject to specific duty, of the actual quantity thereof; which said oath shall be administered by the consul or commercial agent of the United States in the district where the goods are manufactured, or from which they are sent; and if there be no consul or commercial agent of the United States in the said district, the verification hereby required shall be made by the consul or commercial agent of the United States at the nearest point, or at the port from which the goods are shipped, in which case the oath shall be administered by some public officer duly authorized to administer oaths, and transmitted, with a copy of the invoice, to the consul or commercial agent for his authentication; and this act shall be construed only to modify, and not repeal, the act of March 1, 1823, entitled 'An act supplementary to, and to amend an act entitled 'An act to regulate the collection of duties on imports and tonnage,' passed March 2, 1779, and for other purposes,' and the forms of the oaths therein set forth shall be modified accordingly. And there shall be paid to the said consul, vice-consul, or commercial agent, by the person or persons by or in behalf of whom the said invoices are presented and deposited, one dollar for each and every invoice verified, which shall be accounted for by the officers receiving the same, in such manner as is now required by the laws regulating the fees and salaries of consuls and commercial agents."

You will carefully notice that, under the foregoing provisions of law, all invoices of goods imported into the United States must be verified by a consul, vice-consul, or commercial agent of the United States, provided there is such an officer in the country where the goods are manufactured or from which they are sent. Great abuses have sprung from the practice, which has prevailed to some extent, of the verification of invoices by the consular officer residing at the port of shipment instead of the one within whose consular jurisdiction the goods have been manufactured or prepared for exportation. Consular certificates, under such circumstances, must be often granted without due knowledge of the contents of the invoices or the prices of the goods designated therein. The recent act prohibits such a practice, and it can no longer be tolerated. It will be made the duty of the officers of the customs to scrutinize very carefully all invoices of goods presented for entry, and should there be reason to believe that the invoices have been undervalued, or any attempt has been made to defraud the revenue of the United States, the full penalty of the law will be enforced.

Consular officers are not to verify invoices or issue a consular certificate as a matter of course, but only after a careful and thorough examination.

The appraisers of the United States will be instructed to report all cases which may come to their knowledge of invoices improperly authenticated, and the name of every consular officer by whose negligence or fraud such consular

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certificate is granted. Should it appear that the complaint is well founded, a repetition of the offence will furnish ground for the immediate removal of the delinquent.

It is in the power of the consular officers of the United States, by due attention and vigilance, to do much towards checking and preventing the numerous frauds which are practiced upon the revenue; and they are earnestly enjoined to regard their efforts for these objects as the most important services which they can render in connexion with the faithful collection of the revenue.

The attention of the consular officers of the United States in the British North American provinces is directed to the proviso, which they are instructed carefully to observe, of the seventeenth section of the above-mentioned act, which prescribes "that nothing herein contained shall be construed to require for goods imported under the reciprocity treaty with Great Britain, signed June 5, 1854, any other consular certificate than is now required by law;" and also to the third section of the "act to further provide for the collection of the revenue upon the northern, northeastern, and northwestern frontiers, and for other purposes." This section is as follows:

"SEC. 3. *And be it further enacted*, That goods imported under the reciprocity treaty with Great Britain may be entered at any port on the northern, northeastern, and northwestern frontiers of the United States, upon satisfactory evidence being given to the collector at the port where such goods are offered for entry that they are of the growth or production of Canada, without the consular certificate now required."

Consular officers are instructed that so much of the sixteenth chapter of the consular regulations on the subject of the verification of invoices, and of the thirty-second chapter in regard to the duties of consular officers in the British North American provinces, and also of the consular tariff of fees, as is inconsistent with the provisions of the acts to which reference is herein made, is, from the date at which the said acts respectively take effect, annulled.

WILLIAM H. SEWARD.

[Circular No. 29.]

DEPARTMENT OF STATE,
Washington, November 20, 1863.

To the Consular Officers of the United States:

Many inquiries having been made by consular officers of the United States in regard to the operation of the seventeenth section of the tariff act of the 14th of July last, requiring all invoices to be verified by consular certificates, an extract from which, accompanying circular No. 17 of this department, has been heretofore transmitted to you, the following additional instructions upon the subject are given, at the instance of the Secretary of the Treasury, for your information and guidance.

First. It is the purpose of the department to make the execution of this law as little burdensome to shippers as may be compatible with its requirements, and to avoid, as far as possible, creating any new embarrassments in our foreign trade.

Invoices of all goods are to be verified by "oath administered by the consul or commercial agent of the United States in the district where the goods are manufactured or from which they are sent." For instance, goods manufactured in Manchester are shipped from Liverpool. In such a case the invoices are to be verified by the United States consul at Manchester, who is presumed to be

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better able to protect the interests of the revenue from fraudulent invoices, which is the aim and end of the seventeenth section.

Secondly. Articles of merchandise, such, for example, as clothes and jewelry, are brought to a certain condition in one place, and then sent to a second, and subsequently to a third, to receive some change in color, character, or value; and, when perfected, are brought to common centres of commerce for shipment, as Hamburg, Paris, Liverpool, or London, where they are invoiced. All such goods are to be certified by the consul of the district whence they are shipped, subject, however, to a wise discretion, which is always to be exercised by consular officers.

Thirdly. In those countries where foreign consuls residing therein are not permitted to administer oaths, or where oaths, to be valid, can only be administered by certain local officers, the oaths to invoices are not to be taken before a consular officer, but before some public officer duly authorized to administer oaths in the country, and the official signature of such officer is to be authenticated by the consular officer. But the consul is not thereby relieved from the duty of inspecting the invoice, and from reporting to the Treasury Department in regard to any attempt to defraud the revenue. For the authentication of a signature in these cases, the fee (No. 55) of two dollars, prescribed by the consular tariff, is to be charged.

Fourthly. It has been represented to the department that consular certificates are sometimes sold to shippers or others in blank, to be subsequently filled up by the consignee or shipper, and attached by them to invoices. This practice is highly reprehensible and wrong, tending, as it does, to destroy all confidence in consular certificates, and cannot be tolerated. Whenever a case of this character is reported to the department, it will be followed by the immediate dismissal of the officer committing the offence. The certificates must be carefully made, either upon the instrument itself which is verified or authenticated, or it must be attached thereto in such a manner as to render it unavailable for any other purpose.

Fifthly. In authenticating the signature of the local officer by whom the oath to an invoice is administered, care should be taken that the certificate of authentication should be on a separate paper, but attached to the certificate of the magistrate and to the invoice, in such a manner that it cannot be separated and used for another purpose.

Sixthly. Consuls are not to include the magistrate's fee for administering an oath as a part of the fee for the authenticating of an invoice. With the fee charged by this officer for the service, neither the consul nor the government has any concern. The fee must be paid by the person requiring the service, and not by the consul.

Seventhly. In those countries where an oath to an invoice, to be of legal force, must be taken before a local magistrate or other officer; the oaths, both of Americans and aliens, must be administered by such officer, and not by the consul. The consul will authenticate the signature of such officer.

Eighthly. Consular officers in the British provinces are instructed that goods imported under the reciprocity treaty with Great Britain may be entered at any port on the northern, northeastern, and northwestern frontiers of the United States, upon satisfactory evidence being given to the collector, at the port where such goods are offered for entry, that they are of the growth or production of Canada, without the consular certificate now required; but invoices of goods entered at any other than ports on the frontiers above mentioned must be accompanied by the consular certificates now required by law.

Ninthly. Consular officers are requested to ascertain and report to this department if, under the laws of the countries in which they respectively reside, they are authorized to administer oaths.

WILLIAM H. SEWARD.

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Mr. Seward to Mr. Chase.

DEPARTMENT OF STATE,
Washington, April 16, 1863.

SIR: Referring to your communication of the 12th of December last in regard to the revenue systems of foreign countries, I have the honor to transmit, for your consideration, a despatch (No. 5) received from the United States consul at Leipsic, enclosing a communication from the minister of foreign affairs of Saxony, in which, as you will perceive, there is a reference to the pre-emption system as a remedy against fraud, which prevails in many European countries.

I will thank you to return the despatch after making such use of the information as you think proper.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. S. P. CHASE,
Secretary of the Treasury.

Presidents of Insurance Companies to Mr. Seward.

NEW YORK, *January*, 1863.

SIR: The commercial intercourse between the ports of the United States and Nassau is constant and important—much more important than would be inferred from the amount of imports and exports. The number of vessels wrecked annually within the consulate of the Bahamas is larger than in any other American consulate. The annexed table shows the amount of sales of wrecked property sold at Nassau to have been $1,500,000 in four years.

So important is this interest to marine insurance companies, that they have agents resident at Nassau to take charge of wrecked property, to whom a very much larger compensation is paid than is now paid to the consul.

Existing complications arising out of a state of rebellion render our relations with the population and British officials of Nassau delicate and embarrassed, demanding an exercise of intelligence, good temper, moderation, and firmness on the part of the American consul.

During the continuance of the war, and so long as the motive to evade the blockade exists, important political services could be rendered by the consul in collecting information valuable to the government, provided the character and circumstances of the consul were such as to allow him a favorable social position among the cultivated and courteous officers of her Majesty resident at Nassau.

Possessing no political powers, the consul must rely on personal influence alone to be of service to his country beyond the mere routine of office duties. His personal influence will depend on his intelligence, character, and manners, and his ability to reciprocate in a respectable manner the social courtesies common at Nassau in the society of the government officials. The consul should therefore be a man of education and polished manners, with such firm but undemonstrative temperament as to enable him to avoid absolutely all personal, violent, or indecorous controversies. His deportment should be such as to render him personally acceptable to the governor and other officers. Even with all these qualifications, he can do little for his government unless he has the pecuniary ability to maintain a creditable social position in the circle of gentlemen with whom he has business relations.

The salary is unfortunately but $2,000 per annum, without any margin of fees or perquisites, while the incumbent is restrained from being beneficially interested in any commercial business whatever.

The salary paid the agent of the underwriters is no more than sufficient to support him respectably, and $2,000 is quite insufficient to enable a consul to live as he ought.

To enable the consul to serve his country more effectually in the present important crisis, it has occurred to us that he might have an increase of official powers and compensations by a special commission from the Department of State or the President, giving a higher consideration in the estimation of the officials at Nassau.

The undersigned believing that the public service, political as well as commercial, would be benefited thereby, ask, if consistent with law and public policy, that the grade and character of the consulate of the Bahamas be lifted up and made more influential by an increase

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of rank, powers, and compensation, to the end that a person of talent and character may be enabled to accept the position.

J. D. JONES,
President Atlantic Mutual Insurance Company.
M. H. GRINNELL,
President Sun Mutual Insurance Company.
ALFRED OGDEN,
Mount Oriental Mutual Insurance Company.
ELWOOD WALTER,
President Mercantile Mutual Insurance Company.
B. C. MORRIS,
President Columbian Mutual Insurance Company
ALFRED EDWARDS,
President Pacific Mutual Insurance Company.
J. P. TAPPAN,
President Neptune Insurance Company.
A. W. WHIPPLE,
President Washington Mutual Insurance Company.
SAMUEL DRAKE SMITH,
President Commercial Mutual Insurance Company.
JOHN H. EARLY,
President New York Mutual Insurance Company.
F. L. LATHROP,
President Union Mutual Insurance Company.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States, Washington, D. C.

A tabular statement of the value in dollars of the annual imports and exports of the Bahama Islands for several years, showing what proportion of their commerce is with the United States.

FROM—	IMPORTS. Value.			
	1856.	1857.	1858.	1859.
Derived from wrecked property sold at Nassau	$462,259	$420,350	$309,643	$335,093
The United States	329,379	416,150	436,714	443,328
Other countries, including Great Britain	125,472	178,330	168,153	244,776
	909,110	1,014,830	914,510	1,023,197

TO—	EXPORTS. Value.			
	1856.	1857.	1858.	1859.
The United States	$450,989	$319,330	$248,846	$377,188
Other countries, including Great Britain	152,602	353,606	193,502	303,912
	603,591	672,936	442,348	681,100

Mr. Seward to Presidents of Insurance Companies.

DEPARTMENT OF STATE,
Washington, March 14, 1863.

GENTLEMEN: I have the honor to acknowledge the receipt of your communication in regard to the commercial intercourse between the United States and

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Nassau, and suggesting, in view of the interests of American commerce, an increase of the rank, powers, and compensation of the United States consul at that port, "to the end that a person of talent and character may be enabled to accept the position of consul to that island."

To enable the department to carry into effect your suggestions, further legislation of Congress will be needed.

Your communication will be laid before the Committees on Commerce at the next session of Congress.

I am, gentlemen, your obedient servant,

WILLIAM H. SEWARD.

To Messrs. J. D. Jones, president Atlantic Mutual Insurance Company; M. H. Grinnell, president Sun Mutual Insurance Company; Alfred Ogden, Mount Orient Mutual Insurance Company; Elwood Walter, president Mercantile Mutual Insurance Company; B. C. Morris, president Columbian Insurance Company; Alfred Edwards, president Pacific Mutual Insurance Company; J. P. Tappan, president Neptune Insurance Company; A. W. Whipple, president Washington Mutual Insurance Company; Samuel Drake Smith, president Commercial Mutual Insurance Company; John H. Early, president New York Mutual Insurance Company; F. S. Lathrop, president Union Mutual Insurance Company.

Mr. West to Mr. Seward.

No. 34.] UNITED STATES CONSULATE,
Galway, Ireland, May 23, 1863.

* * * * * * *

SIR: I have now respectfully to draw your attention to a subject in which I take a deep interest, and in which I would fervently desire to enlist the sympathy of our government, namely: with reference to the relatives (parents, wives, &c.) of those who have fallen, are wounded, or missing, in our service.

It certainly appears almost unreasonable to expect attention to the numerous dead of our army and navy when the demands of the living are so urgent and overwhelming; but I would earnestly plead for your influence with our President and cabinet on behalf of the bereaved Irish people, who, thousands in my district, and over the length and breadth of the land, are bewailing the loss of brothers, sons, and husbands in our disastrous war; and, what is almost worse, suffering the agony of suspense for those of whom no tidings or information whatever can be heard, and their letters coldly returned to them in the unfeeling strictness of official routine from the post office at Washington, &c., with the indifferent remark thereon, "not called for," or "unclaimed." How could they, when the brave sons and husbands of the writers were either fighting our battles on the field, waiting for the deadly onslaught, or sleeping in a soldier's grave?

The daily applications to me, as to the fate of our Irish soldiers and sailors *not heard of*, (nineteen out of twenty of whom are, I am satisfied, not among the living,) tax all my energies and sympathy for them, in replying to fifty or sixty letters per week.

The plan I have adopted, as to the missing, is to get the applicants to write in my official envelope to their sons, &c., in our army or navy, and to enclose same to the Adjutant General in a note, stating shortly any peculiar feature in each case, and asking for an inquiry and report thereon.

I send you two letters as specimens, which I do not, therefore, enclose to the War Department. They speak of lost ones, not unimportant to us, and I know

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contain the germ of sadness. I had to excuse General Meagher, who declined to answer inquiries for his aide-de-camp, now, I believe, no more. I would, then, earnestly solicit your influence in obtaining attention and an early reply not only to them, but to all others I forward from our deserving Irish friends.

Nothing can exceed the gratitude expressed by those whom I assist in removing their suspense, and the patriotism and bravery evinced in the letters of our dead soldiers, over which many a tear is shed; and it is unnecessary to tell you that every such letter, with those forwarded to me, carry with them tales of woe and suffering, radiating from and around the extended circle of each bereaved homestead.

Might I therefore venture to suggest that a head post office, exclusively for the letters to those in our armies and navy, be established at Washington, from which they would be forwarded to the adjutant or other officer of each regiment, *wherever situated.*

It would be also advisable, and would relieve much sorrow, and save trouble to our officials, if a regulation could be made that soldiers and sailors should be supplied with stationery, and ordered to write home once, at least, every month. Oh! what joy would be thereby diffused among thousands of now agonized hearts.

I have the honor, &c., &c.,

WILLIAM B. WEST,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Stanton.

DEPARTMENT OF STATE,
Washington, June 6, 1863.

SIR: I beg leave to invite your attention to a copy of a despatch, No. 34, received from the United States consul at Galway, in reference to some mode by which information concerning soldiers in our army who have been wounded or have fallen in battle can be communicated to their friends in Ireland.

In view of the large number of persons of Irish birth who have entered our army, and are fighting our battles, it would appear to be the dictate, alike of policy as well as of humanity, that some mode should be devised, as suggested by the consul, to facilitate the means of communicating intelligence concerning these gallant soldiers, many of whose families still remain in Ireland.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. E. M. STANTON,
Secretary of War.

Mr. Seward to Mr. Chase.

DEPARTMENT OF STATE,
Washington, July 3, 1863.

SIR: I have the honor to transmit herewith, for your information, a despatch (No. 39) received from the United States consul at Nassau, which I will thank you to return with your reply.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. S. P. CHASE,
Secretary of the Treasury.

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Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT, *July* 9, 1863.

SIR: I have the honor to acknowledge your letter of the 3d instant, covering despatch of S. C. Hawley, consul at Nassau, as to the power vested in the Secretary of the Treasury, under the act of May 25, 1862, (Laws, p. 404,) to refuse clearances to vessels sailing to neutral ports.

The power is limited to vessels laden with cargoes, but does not include vessels in ballast; and bonds cannot be required of vessels in ballast, though their ultimate destination as blockade runners is all but certain.

The question presented by the consul is, whether the act of despatching an American vessel for such a purpose is not an offence against the laws of the United States, and for which arrests may be made and parties concerned punished.

That question is not free of difficulties, and should perhaps be referred to the appropriate law officer, either by yourself or the Secretary of the Navy, as charged with all matters connected with the blockade.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. F. W. Seward to Mr. Hawley.

No. 38.] DEPARTMENT OF STATE,
Washington, July 14, 1863.

SIR: Your despatches (Nos. 34 and 39) having been received and referred to the Secretary of the Treasury, that officer has returned them to this department with the remark that "the power vested in the Secretary of the Treasury, under the act of May 25, 1862, to refuse clearances to vessels sailing to neutral ports, is limited to vessels laden with cargoes, but does not include vessels in ballast; and bonds cannot be required of vessels in ballast, though their ultimate destination as blockade runners is all but certain."

The question by you is, whether the act of despatching an American vessel for such a purpose is not an offence against the laws of the United States, and for which arrests may be made, and parties concerned punished.

That question is not free of difficulties, and the Secretary of the Treasury has suggested that it should be referred to the proper law officer.

This course has accordingly been taken.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

S. C. HAWLEY, Esq.,
United States Consul, Nassau, now in New York.

Mr. Seward to Mr. Bates.

DEPARTMENT OF STATE,
Washington, July 14, 1863.

SIR: The consul of the United States at Nassau having called the attention of the department, in his despatches Nos. 34 and 39, to the clearance of vessels

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intending to run the blockade, from New York for neutral ports, I referred these despatches to the Secretary of the Treasury.

Mr. Secretary Chase has returned them to this department, with a suggestion that they be referred to you for an opinion upon the question presented by Consul Hawley, namely: whether the act of despatching an American vessel to a neutral port in ballast, though its ultimate destination as a blockade runner is all but certain, is an offence against the laws of the United States, and for which arrests may be made, and parties concerned in such enterprises may be prosecuted, and, if convicted, punished.

I will thank you to furnish this department, for its guidance, with your views upon this question.

For your further information the letter of the Secretary of the Treasury is herewith enclosed.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. EDMUND BATES,
Attorney General.

Mr. Coffey to Mr. Seward.

CONSTRUCTION OF THE SECOND SECTION OF THE ACT OF JULY 17, 1862, CHAP. 195, AND ITS BEARING ON AMERICAN VESSELS DESPATCHED TO A NEUTRAL PORT IN BALLAST.

Opinion of the Attorney General.

ATTORNEY GENERAL'S OFFICE, *July* 27, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, enclosing certain correspondence with the Secretary of the Treasury and the United States consul at Nassau with the Department of State, and submitting for my opinion the question suggested by the consul at Nassau, viz: Whether the act of despatching an American vessel to a neutral port in ballast, though its ultimate destination as a blockade runner is all but certain, is an offence against the laws of the United States, and for which arrests may be made, and parties concerned in such enterprises may be prosecuted, and, if convicted, punished.

The 2d section of the act of July 17, 1862, chapter 195, to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes, enacts that if any person shall hereafter incite, set on foot, *assist*, or engage in any rebellion or insurrection against the authority of the United States, or the laws thereof, *or shall give aid or comfort thereto*, or shall engage in, *or give aid and comfort to, any such existing rebellion or insurrection*, and be convicted thereof, such persons shall be punished by imprisonment for a period not exceeding ten years, or by a fine not exceeding ten thousand dollars, and by the liberation of all his slaves, if any he have, or by both of said punishments, at the discretion of the court.

The act of despatching an American vessel from any port of the United States to a neutral port in ballast, with the purpose of taking in cargo at that port, and running the blockade therefrom, would, in my opinion, bring the person or persons so despatching her within the penalties of the above cited section, if the vessel, in the execution of that purpose, actually ran the blockade. This would be an overt act of assistance, or aid and comfort to the rebellion, such as the law prohibits. To secure the conviction of the person or persons who despatched the vessel, it would, of course, be essential to prove the existence of the guilty purpose in so doing.

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I am also of opinion that the act of despatching an American vessel to a neutral port in ballast, with the ascertained purpose of taking in cargo at that port, and running the blockade therefrom, would subject the person or persons so despatching her to the penalties of this law, if, in pursuance and in execution of that purpose, the vessel actually attempted to run the blockade, but in the attempt was captured, or otherwise prevented from so doing by a blockading vessel.

The question whether the mere act of despatching an American vessel to a neutral port in ballast, for the purpose of running the blockade therefrom, not followed by an actual running, or attempt to run, the blockade, would, of itself, constitute an offence within and punishable by our criminal statutes, deserves careful consideration. The 2d section of the act of July 17, 1862, provides comprehensively enough for the punishment of the offence of actually inciting, setting on foot, assisting or engaging in rebellion or insurrection, or of giving aid or comfort thereto, or of engaging in, or giving aid or comfort to, an existing rebellion or insurrection; but it fails to include the class of acts which, whilst done with the *intent* to do these things, do not of themselves amount to actual assistance, or aid and comfort to the rebellion or insurrection.

The question, then, is whether the act of despatching an American vessel from a port of the United States to a neutral port in ballast, with the ascertained purpose of there taking in cargo to run the blockade, of itself amounts to actual assistance, or aid and comfort to the rebellion, within the statute. I think it does, for this reason: Such a vessel started from an American port with intent to run the blockade, would, in my opinion, be subject to lawful capture as prize of war from the moment she left that port. It is a well-settled principle in the law of blockade that the act of sailing with an intent to break a blockade is deemed a sufficient breach to authorize confiscation. From that moment the blockade is fraudulently invaded, and the vessel is liable to capture, without reference to the distance between the port of departure and the blockaded port, or to the extent of the voyage performed.—(3 Phil., 390–400, and cases cited; 5 Cranch, 343–'9; ib., 440, Story, J.) Whether a neutral vessel proceeding from one neutral port to another neutral port, with the intent there to take in cargo, and from thence to run the blockade, is liable to capture and condemnation before she reaches the port at which she is to receive her cargo, is not necessary now to decide, although, from the language of Lord Stowell, in *The Jonge Pieter*, (4 Rob., 89,) I infer that such was his opinion. But however this may be, he distinctly asserts, in that case, that if a subject of the blockading country ship goods to go to the enemy *through a neutral country*, they are liable to capture and condemnation. For, as he says, "without the license of government no communication, direct or indirect, can be carried on with the enemy. * * * * * *The interposition of a prior port makes no difference; all trade with the enemy is illegal, and the circumstances that the goods are to go first to a neutral port will not make it lawful.*" Of course, if the goods shipped on such a venture may be condemned, a vessel started from a port of the blockading country with the intent to take in cargo at a neutral port, and from thence run the blockade, and thus to hold illicit intercourse with the enemy, is equally guilty and liable to capture and condemnation.

If, then, an American vessel starting from an American port in ballast, with such a purpose, be a lawful prize of war, it follows, that, from the time of her departure for the neutral port, it is as much the duty of our cruisers to capture her as if she were actually entering a blockaded port with full cargo. And the moment she is placed in this predicament the persons who despatched her on her guilty errand became liable to the penalties of the 2d section of the act of July 17, 1862. For, whenever the vessel they have started is in such a position as to impose on our cruisers the duty of arresting her voyage by her capture, then these persons have actually and materially assisted the rebellion

by adding to the duties of our cruisers that of pursuing and capturing her, which involves, necessarily, their withdrawal, for the time, from other service. If necessary, it would be easy to illustrate, in a variety of ways, the effective assistance which might be rendered to the rebellion by the mere act of despatching vessels in ballast to neutral ports, with the ultimate purpose of running the blockade. The right, and consequent duty, of capturing such vessels off our coast, before they reach the intermediate neutral ports, might well give so much employment to our navy as to diminish its effectiveness elsewhere, or require a considerable addition to its force. To create this necessity would, in contemplation of law, be to assist and give aid and comfort to the rebellion in a form only less aggravated than the actual fitting out of vessels of war for rebel use. And of this offence, within the terms of the statute I have cited, are those persons guilty, in my opinion, who despatch American vessels in ballast from our own ports, with intent to stop at neutral ports, and, after there taking in cargo, from thence to run the blockade. The unlawful purpose being established, the offence is committed whenever the vessel shall have started on her voyage, whether it be consummated at the blockaded port or be arrested after she has left, or before she has reached the intermediate neutral port.

I am, sir, very respectfully, your obedient servant,

TITIAN J. COFFEY,
Attorney General ad interim.

Hon. WM. H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Welles.

DEPARTMENT OF STATE,
Washington, July 31, 1863.

SIR: Referring to a letter of the Secretary of the Treasury of the 9th July, in which he suggested that the opinion of the appropriate law officer should be obtained upon the question, "whether the act of despatching an American vessel to a neutral port, to be used thereafter in violating the blockade, is not an offence against the laws of the United States, and for which arrests may be made, and the parties concerned punished," I have now the honor to transmit, herewith, the opinion of the Attorney General *ad interim* upon this subject.

I will thank you to return the opinion after making such use of it as you may think proper.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. GIDEON WELLES,
Secretary of the Navy.

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT,
August 26, 1863.

SIR: I have the honor to acknowledge your letter of 31st ultimo, transmitting to me the opinion of the Acting Attorney General upon the question, whether the act of despatching an American vessel to a neutral port, to be thereafter used in violating the blockade, is not an offence against the United States, and for which arrests may be made, and the parties concerned punished. This opinion

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was sent to the collector of New York for a report—what steps, if any, can be taken, under this opinion, in respect to vessels leaving the port of New York for such a purpose—a copy of which report is enclosed for your consideration.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Clinch to Mr. Chase.

CUSTOM-HOUSE, NEW YORK, COLLECTOR'S OFFICE,
August 19, 1863.

SIR: I have the honor to acknowledge the receipt of your communication of the 14th instant, covering a letter of the Secretary of State, and a copy of an opinion of the Acting Attorney General, in regard to the despatching of American vessels in ballast to neutral ports with the intent to there take in cargo and sail thence to break the blockade; and you request me to report what steps, if any, can be taken, under this opinion, in respect to vessels leaving the port of New York for such a purpose.

As I understand your request, I am to assume that the opinion of the Attorney General is sound law, and applies only to American vessels; and that your inquiry covers the two subjects of the seizure and condemnation of the vessels, and the arrest and punishment of the parties implicated in the transaction.

The Acting Attorney General seems to be of the opinion that when a vessel with this intent as to her ultimate destination "has started on her voyage," she is liable to forfeiture, and the implicated parties to punishment.

It will hardly be disputed that when a vessel clears from the custom-house at this port, and then hauls out into the stream or drops down the bay, "she has started on her voyage."

You are aware that this office has no direct control over civil or criminal proceedings in the class of cases described by the Acting Attorney General; but it sometimes has in its possession, or can obtain, important information in regard to such cases. Heretofore the officers of the customs in possession of this kind of information have either formally or informally communicated the facts to the United States district attorney for the southern district of New York, accompanied by such suggestions as were deemed proper.

If a vessel is to be regarded (within the meaning of the Acting Attorney General) as having started on her voyage so soon as she clears and hauls into the stream or drops down the bay, then there would seem to be no special obstacle in the way of seizing her before she got to sea, nor of arresting the implicated parties, if within the jurisdiction of the court, provided the United States district attorney and the United States marshal were previously in possession of the requisite facts, and were diligent in issuing and serving the necessary process. The course above indicated has been successfully pursued by the revenue officers of this port, in cases where their authority to seize arose after vessels had commenced their voyage in the manner above stated.

If it is deemed necessary to adopt more stringent measures than those mentioned, I know of no way to enforce them except by stationing a blockading force near the mouth of the harbor of New York.

In this connexion, I beg leave to suggest that the number of *American* vessels of the kind under consideration which has left this port is believed to have been small, the greater part of those that have been suspected of sailing in ballast with the intent of ultimately breaking the blockade having been, according to the tenor of their papers, the property of the subjects of her Britannic Majesty.

I return to you the letter of the Secretary of State, and the opinion of the Acting Attorney General.

Very respectfully, your obedient servant,

C. P. CLINCH,
Assistant Collector.

Hon. S. P. CHASE,
Secretary of the Treasury.

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FRANCE.

Mr. Bigelow to Mr. Seward.

[Extracts.]

No. 60.] CONSULATE OF THE UNITED STATES,
Paris, August 29, 1862.

DEAR SIR: If you would send to the consuls full particulars of the bounty paid by the government to the volunteers, and when, where, and how soon after enlisting it could be touched, I think they might induce a considerable emigration to the United States, especially from those parts whence the bounty money would defray the expense of the voyage.

* * * * * * * * *

I commend to your special attention the two admirable articles in the Journal des Debats, of the 26th and 27th instants, from the pen of Mr. Laboulaye.

* * * * * * * * *

It is to be regretted that more truthful records of current events are not transmitted to Europe by the telegraph. Not a steamer arrives but furnishes a pretext for covering the continent with lies of the most pernicious character about American affairs. Nor are these lies corrected one time in ten, and the correction, if made, always comes too late to be of any service.

All Europe believes that the confederates have captured Baton Rouge. The telegraph has never corrected the elaborate announcement of its reduction, and the capture of its garrison and *immense stock of arms and provisions.*

All Europe learned by telegraph, and believes, that a frightful panic pervades our country at the prospect of conscription, and that all voluntary enlistment has ceased. Nor has it yet transpired here that any one State has yet made up its quota. Half of the European world never read anything about our war, except the telegraphic despatches. Unfortunately, those who occupy official positions read little else except in the columns of journals whose business it seems to be to destroy all faith in our cause and prospects. A sensation paragraph in the *Herald's* bulletin is given as a rumor, with five or six other items, and just as much importance here is attached to a rumor given in such a way as to a distinct affirmation of a fact or event, especially since it was announced that the government had assumed to supervise the despatches. The work could not be done in a way to prejudice us more if the telegraph were, as I believe it is, in the hands of enemies.

* * * * * * * * *

Yours, very truly,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD.

Mr. Seward to Mr. Stanton.

DEPARTMENT OF STATE,
Washington, September 17, 1862.

SIR: The consul of the United States at Paris represents, that if officers of his class in Europe were to be furnished with full particulars of the bounty paid by this government to volunteers, and when, where, and how soon after enlisting it could be touched, a considerable emigration to this country would result, especially from those ports whence the bounty money would defray th

expense of the voyage. I will consequently thank you for full information on these points, and also as to the pay of the volunteers, in order that the same may be imparted by consuls in Europe, in such manner as may not in the least degree conflict with any local law against enlistments of troops for service in foreign countries.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. E. M. STANTON,
Secretary of War.

Mr. Watson to Mr. Seward.

WAR DEPARTMENT,
Washington City, D. C., September 27, 1862.

SIR: The Secretary of War directs me respectfully to acknowledge the receipt of your communication of the 17th instant, requesting, at the instance of the consul of the United States at Paris, to be furnished with full particulars relative to the bounty and pay of volunteers.

In reply, the Secretary instructs me to transmit to you the enclosed copy of the report of the Paymaster General, to whom the subject was referred, and to state that on a like reference to the Adjutant General, he reports that, "in addition to the information furnished by the Paymaster General, this office can but add copies of orders Nos. 74, 91, and 108, of the department; these prescribe the rules under which the bounties of the government are disbursed."

Copies of these orders, together with the regulations of the pay department accompanying the report of the Paymaster General, are herewith transmitted.

I have the honor to be, very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

PAYMASTER GENERAL'S OFFICE,
Washington City, September 20, 1862.

SIR: I have the honor to return herewith the letter of the honorable Secretary of State, of September 17, relative to bounties and pay of volunteers, and to report that the disbursements and regulations relating to the advance bounty to be paid to the new recruits are under the charge of the Adjutant General, who can furnish all necessary information on the subject. Under the act of 22d July, 1862, entitled "An act to authorise the employment of volunteers, &c.," a bounty of $100 is granted to soldiers serving either for two years or till the termination of the war. The same bounty will be paid to the widow or heirs of all soldiers dying in service, without reference to the period of time they may have served. The advance bounty paid on enlistment is a portion of this $100 bounty. Under the act of 17th of July, 1862, entitled "An act to amend the act calling forth the militia, &c.," an advance bounty of $25 is authorized to nine-months volunteers, and a bounty of $50, one-half payable in advance, to twelve-months volunteers.

The pay of enlisted men in the volunteer service is as follows:

For Infantry and Heavy Artillery.

First sergeants	$20
Sergeants	17
Corporals	13
Privates	13
Musicians	12

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For Cavalry and Light Artillery.

First sergeants	$20
Sergeants	17
Corporals	14
Privates	13
Musicians	13

Any further information with regard to the pay, &c., of the army and volunteers, may be found, if desired, in the enclosed copy of the regulations of the pay department, respectfully forwarded herewith.

Very respectfully, your obedient servant,

CARY H. FRY,
Acting Paymaster General United States Army.

Hon. EDWIN M. STANTON,
Secretary of War.

Mr. Bigelow to Mr. Seward.

[Extract.]

No. 63.] CONSULATE OF THE UNITED STATES,
Paris, September 19, 1862.

Since the publication of circular No. 19, relating to emigration, I have had numerous applications from persons desiring to emigrate, and also to take service in the army. The latter require information as to the places and terms of enlistment, the bounty, wages, &c. Could I be furnished with a short statement of the particulars on these points, I think I could so use it as to encourage some to go. It would be easy to raise whole regiments here, if any one had authority to pay the transportation, which is the great obstacle.

Yours, very respectfully,

JOHN BIGELOW,
United States Consul.

Hon. WILLIAM H. SEWARD.

[Circular No. 19.]

DEPARTMENT OF STATE,
Washington, August 8, 1862.

To the Diplomatic and Consular officers of the United States in foreign countries:

At no former period of our history have our agricultural, manufacturing, or mining interests been more prosperous than at this juncture. This fact may be deemed surprising in view of the enhanced price for labor, occasioned by the demand for the rank and file of the armies of the United States. It may, therefore, be confidently asserted that, even now, nowhere else can the industrious laboring man and artisan expect so liberal a recompense for his services as in the United States. You are authorized and directed to make these truths known in any quarter and in any way which may lead to the migration of such persons to this country. It is believed that a knowledge of them will alone suffice to cause them to be acted upon. The government has no legal authority to offer any pecuniary inducements to the advent of industrious foreigners.

WILLIAM H. SEWARD.

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Mr. Seward to Mr. Bigelow.

No. 46.] DEPARTMENT OF STATE,
Washington, October 8, 1862.

SIR: Your despatch No. 60, making inquiry respecting the pay and bounty of volunteers in our army, has been received. In reply, I enclose a copy of a communication from the Secretary of War to this department, with accompanying enclosure, containing full particulars upon those subjects.

It is believed that, with the materials thus furnished, added to those which you already possess in the provisions of the homestead bill, and the facts abundantly supplied by the public press in regard to the great demand for labor, the high prices paid for it, and the low rates of living in various parts of the country, especially in the western States and Territories, where the crops have been so exuberant, you will be prepared to answer satisfactorily the inquiries which are made of you.

You may perhaps find it advisable to prepare for publication, as you will readily be able to do, a paper embodying the information of which you are now possessed, and unofficially, either through the daily press or otherwise, giving it a wide circulation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. BIGELOW, Esq.,
U. S. Consul, Paris.

Mr. Seward to Mr. Welles.

DEPARTMENT OF STATE,
Washington, June 15, 1863.

SIR: At the instance of Mr. J. Bigelow, the consul of the United States at Paris, I have the honor to request, if not incompatible with the convenience of the department and the public interest, for presentation to the Société Geographique of France, any maps or charts which are now, and which no longer require to be kept secret, whether engraved, printed, or photographed.

You are doubtless aware that Mons. Persigny is the president of this society, and among its active members are some of the most prominent and influential men in France.

It has been thought that the public interests would be thus promoted by showing how geographical and topographical science has flourished in America during and in consequence of the war; other incidental advantages in the way of exchanges would result therefrom, which it is not necessary here to enumerate.

Should the maps be sent to this department, it will take pleasure in forwarding them.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. GIDEON WELLES,
Secretary of the Navy.

Same to the Secretary of War, the Secretary of the Treasury, and the Superintendent of the Coast Survey.

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Mr. Seward to Mr. Chase.

DEPARTMENT OF STATE,
Washington, July 25, 1863.

SIR: Referring to the communication addressed to you on the 13th of June last, requesting, at the suggestion of the consul of the United States at Paris, for the "Société Geographique," a collection of maps and charts, to the dissemination of which there might no longer, on military grounds, be any objection, I have now to acquaint you that the department received from the Coast Survey office, to which you had the goodness to refer my letter, a valuable collection, embracing more than one hundred sheets.

Before transmitting these maps and charts to Paris, I thought it expedient to obtain from the Secretary of War his views upon the subject, and I received from him yesterday a communication dated the 23d instant, in which it is stated that, "in the opinion of the War Department, no maps or charts of our coast should be furnished to any foreign government or society at the present time."

Accordingly, the collection which has been placed at the disposal of this department will be detained here.

It has occurred to me that it might be well to communicate this opinion of the War Department to the chief of the United States Coast Survey.

Thanking you for your kind attention to the request of the department,

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. S. P. CHASE,
Secretary of the Treasury.

Mr. Bigelow to Mr. Seward.

No. 102.] UNITED STATES CONSULATE,
Paris, August 25, 1863.

SIR: I am in receipt of circular No. 30 of the State Department for 1862, requesting information of the means adopted, in the country of my official residence, for the protection of its revenues, the collection of duties in the passage of goods across the national frontiers, and in their transhipment in its ports for export to a foreign land; also the forms that are used, the rules and regulations in force, the fees charged, and other expenses incurred in its foreign revenue service.

At the earliest convenient opportunity, after the receipt of this circular, I addressed to his excellency Mr. Fould, the minister of finance, a request that he would refer me to a person in the service to whom I could apply for the required information; and in a few days I was advised by a letter from the director general that Mr. Delmas, administrator of the second division of the direction general des douanes, was instructed to give me the information I sought. I immediately waited upon Mr. Delmas, who, after some conversation with me upon the subject of my inquiries, in the course of which he promised me the cordial co-operation of his department, referred me to Mr. Masseron, the head of one of the bureaus.

Mr. Masseron manifested a prompt alacrity in furthering the objects of my visit, and kindly informed me that I would save myself much trouble by procuring a book prepared expressly for government use by Mr. A. Delandre, head of one of the bureaus, entitled "Traité-pratique des douanes," which contains a

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full digest of all the revenue laws and regulations of France, and in which I would be likely to find nearly, if not quite, all the information I required.

I sent for Mr. Delandre's book, and found it fully to answer Mr. Masseron's description. It gives all the laws, decrees, and regulations of the revenue department of France now in force, digested and arranged conveniently for reference, and in so compact a form as almost to defy further condensation. I saw at once that, so far as the general organization of the revenue force was concerned, the definition of the duties and responsibilities of the respective officers, I could add nothing to the clearness or sufficiency of Mr. Delandre's statement.

If I knew precisely the points upon which information is most needed, I might, perhaps, have gleaned it from Mr. Delandre's pages, and other sources, and submitted it to you in a more compact shape. But in the absence of specific inquiries I found that no digest or condensation would be a satisfactory substitute for this thorough and comprehensive work.

The French revenue system, like all their administrative organization, is the fruit of nearly a century's profitable experience; it is singularly logical and systematic; it has been devised and usually operated under the direction of men of great administrative abilities, and with such singular skill that each part of it, like the features of the human countenance, seems to have such an adaptation one to the other that they must be seen altogether to be properly appreciated. I have, therefore, concluded to send you the work of Mr. Delandre, in which will be found nearly everything that can be learned from the revenue experiences of France since the days of Colbert.

I also send you a complete set of forms used in the customs service, for which I am likewise indebted to the courtesy of Mr. Masseron. They are very necessary to the working of the French system, and may be studied with great advantage by those whose duty it is to provide the checks by which the accountability and responsibility of subordinates are insured. To comprehend them, however, it is first necessary to comprehend thoroughly the personal organization of the French douanerie, for which there is no shorter method than the study of the first three hundred sections of Delandre.

I also send you a little work entitled, *Guide théorique et pratique du Contribuable en matiere des Contributions indirectes renferment en ce qui concerne specialement les contribuables, le resumé des lois, des instructions et de la jurisprudence, par I. S. Isoard, Controleur des Contributions directes.* This is official, and contains all the practical information that can be required in regard to the collection of indirect taxes, not given in Delandre.

The French government collects about 2,000,000,000 francs, at an expense of about 350,000,000 of francs, annually. Of the sum thus collected, about 400,000,000 francs are realized from direct taxes, and the rest from indirect taxes, but the douanerie organization is auxiliary to the collection of the whole sum.

I do not think so large an amount of revenue is collected by any government in the world, with so small a loss from fraud, as in France, and I attribute the fact in a large degree to the method by which the agents of the customs are selected, and the terms upon which they hold their places, about which I will add a few words in addition to what a reader would be likely to gather from a perusal of these works. The whole revenue service of this empire is under direction of what is termed a director general, who alone, of all the officers of the customs, is in direct communication with the minister of finance. The labor of this general direction is shared by a central bureau, under the immediate orders of the director general and six divisions, each having an administrator at its head. These administrators, with the director general, who presides, form an administrative council, and regulate what is termed the "central administration." Then there is a director in each department of the empire who superintends the department service. The director general, the administrators at the head of each division, and the directors at the head of each department, are the only

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officers connected with the customs department who receive their appointment directly from the head of the state. They, however, and all their subordinates, are appointed for life, or until their age entitles them to a pension and retreat. They never commence their career in any of the superior grades, but have to be promoted to them as the reward of continued faithful service through the lower grades.

All the officers below the minister of finance have to commence their career of service as clerk in a bureau, at a salary from eight hundred to a thousand francs, say 160 to 300 dollars a year, according to the class they are found qualified to enter upon examination, or in the still lower grade of préposé, or overseer, on a salary of from $150 to $160. To this there are no exceptions. The present director general, Mr. Barbier, has passed through all the grades, commencing as simple préposé des brigades in the direction at Strasbourg, on a salary in those days of only 650 francs (about $130) a year.

From préposé de brigade of the 2d class he was advanced to the first class. He then became brigadier of the different classes successively; then lieutenant of the 3d, 2d, and 1st classes in succession; then captain of the 3d, 2d, and 1st classes respectively; then sub-inspector; then inspector; and so on up through every grade, remaining in each at least one year, until he finally, at 60 years of age, reached his present exalted position of director general, councillor of state, and commander of the legion of honor.

No political influence or favor, no revolution in the government, interferes with this law of promotion. Even in the revolution of 1848, no modifications whatever were made in the personal of the douanes. Mr. Gréterin, who had risen from the position of a simple clerk in a bureau to which he was appointed in 1830, was director general in 1848, and remained such until he retired in 1857, when he was succeeded by Mr. Barbier. The political vicissitudes of the government have no more appreciable influence upon the selection of the revenue agents than upon their promotion.

No candidate is received under 18 or over 25 years of age in the bureau service, nor in the out-door service, except in certain inferior employs, and upon terms which do not affect the general policy. On presenting himself, the postulant must produce proofs of his age; that he is a Frenchman; that his moral character is unexceptionable; that he is exempt from any physical deformity, and that he has the necessary means of supporting himself during the period that may elapse after he is accepted, before a vacancy occurs, till when he receives no pay. This period is termed "supernumeriat," which is at least of one year's duration.

On producing these vouchers he is sent to a special committee, designated each year by the director general, for examination as to his education and other aptitudes for the service. The programme by which he is tested is as follows:

1. He writes a page from dictation, on unruled paper, without any external aid in correcting the orthography.
2. He copies the same page.
3. He is required to give a grammatical analysis of part of the text thus copied.
4. He is examined on the four first rules of arithmetic, the theory of proportions, and the solution of various problems of elementary arithmetic.
5. He is examined on the metrical system.
6. He is required to prepare inventories and tables after a given model.
7. To answer various questions in physical geography and politics.
8. To write a letter or note on a given subject.

After this is finished the postulant is further examined upon any matters to which he may have given special attention, especially on the living and dead languages, law, chemistry, natural history, drawing, &c., &c., &c.

The results of the examination of each postulant are reduced to writing, and

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all the trial papers produced during the session, which commences at eight in the morning and closes at four in the afternoon, are annexed to the report, which concludes with a written statement of the reasons for or against inscribing the name of the postulant on the list of candidates. This list, when completed, is sent to the director general, to assist him in preparing his list of candidates most deserving of promotion, which is submitted annually to the minister, accompanied with all the documents necessary to enlighten him as to their respective qualifications.

The number of supernumeraries never exceeds a twentieth of the whole number employed in the bureaus, and a preference is always given, other things being equal, to the sons of persons of good standing already in the service.

The supernumeriat never lasts less than a year, during which period the successful candidate is detailed for service either in the bureau of the central administration, in the bureaus of direction, or in the principal receiving bureaus, to await a vacancy, when his services will begin to receive compensation.

The mode of examination which I have described is designed exclusively for candidates entering the bureau or sedentary service, whether in Paris or the departments.

For admission to the brigadier active service there is no supernumeriat, and the terms of admission are less rigorous, inasmuch as the service exacts a lower grade of accomplishments. The organization of brigades is based upon a general system of surveillance, to prevent fraud and contraband; it consists of a single line of post or brigades, as they are termed, along the sea-coast, and a double line on the frontier.

To each brigade is assigned a determined tract to guard, called his penthieré, or beat. The brigades are composed of captains, lieutenants, brigadiers, subbrigadiers, overseers, packers, weighers, storekeepers, boatmen, &c., &c.

To be admitted to the brigades it is necessary to be a Frenchman, 20 years of age at least, and not more than 25, except those who have been soldiers, who may be 29, if they apply the year of their leaving the army.

The sons of persons in the service are sometimes received as young as 18 in capacity of sailors and overseers, on half wages; but their service before 20 does not count towards their retirement, and the number of such can never exceed two per cent. of the effective force of the brigade. The postulants must produce certificates of good conduct either from the mayor of the place where they usually reside, or from the regiment in which they have served, and a preference is given to persons who have served in the army or navy.

They are visited by a physician in the presence of a captain in the revenue service, who gives a certificate as to their physical condition, their instruction, and their intelligence, and such guarantees of their morality as are to be formed in their social relations, and past habits and position. They must know how to read and write, though in the case of simple marines the standard of clerical accomplishments is not very high; they must also be unmarried.

Persons entering the brigades or active service cannot compete for places in the bureau or sedentary service, which leads to the highest grades of the service, until they have reached the grade of sub-inspector, but any accomplishments they bring into the brigade service will count in their promotion to this point, as well as to their subsequent promotion, so that no person begins in so low a position that he cannot aspire to the highest; and he is encouraged constantly by the example and success of those who have preceded him, as in the case of the present director general, who, as I have already stated, entered the brigade service a simple préposé or overseer.

The compensation, both in the active and sedentary service, is small for the first few years, never amounting to $200 a year; but the young officer knows that a respectable support is secured him for life, if he is faithful and diligent, and whether he preserves or loses his health, and that his widow will be provided

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for if he dies a married man. He knows, also, that his promotion will depend upon his efficiency.

The hierarchical system of promotion in the French service is insisted upon with inflexible rigor. No one advances to a superior grade without having served at least two years in an inferior grade, nor to a superior class of the same grade without at least one year's service in the inferior class.

At the beginning of every six months the sedentary inspectors, or sub-inspectors, and the principal receivers, address to the division inspector an "etat," or list of the officers under their orders, who seem to possess the necessary qualifications to pass into a more elevated class, or to be promoted to a superior grade. For a model of these "etats" see the blank hereto annexed, marked A, which is designated in the official series of blanks as Serié E, No. 82. I had it filled out with the "etat" of a single employé verificateur, in order to render it more intelligible. In this list they state, in a precise though summary way, whether, in their opinion, the employé deserves promotion on account of the length or distinction of service. The division inspector, on the receipt of these lists, prepares a similar table for his arrondissement, which he addresses to his director, accompanied with the "etats" of the principal receivers and sub-inspectors, and his own observations and recommendations in regard to the officers under his order. Finally, the director transmits these "etats" to the administration, with what is termed an "etat general," containing his views of the merits and demerits of the candidates recommended for promotion, and a special "etat," to embrace the clerks in his bureau entitled to promotion. These "etats" relate exclusively to the bureau service. A similar system of reports is required through the proper hierarchy for the brigade service. At the end of each year the director general makes a list of vacancies which are expected to occur during the following year, and another one of all those who have been found to possess the qualifications for promotion. This list is sent to the minister, and when a vacancy occurs in any of those places, (very few in number,) the nomination to which is made by the Emperor or the minister of finance, the director general selects three candidates from the list referred to for promotion, and the minister selects one of the three for the vacancy. If, in an extraordinary case, there should seem to be occasion to make an exception in favor of some person not on the promotion list, whose services merited immediate recompense, the exception must be made the subject of a special decree, and the reasons for it assigned in writing by the minister. No nomination, however, is ever made by the director general, or by any one below him, of any person not on "Etats" No. 82. Thus, every man's promotion mainly depends upon the impression his official conduct leaves upon those superior officers with whom he is in immediate conduct, and who have the best means of appreciating him.

As an additional precaution, and for the better enlightenment of the director general, on the 1st of January of each year the inspectors, sub-inspectors, and principal receivers, prepare what are termed "*signolements moraux*" in regard to all persons under their immediate orders who had received commissions from the director general, or from the minister. These reports are expected to state, with exactness and impartiality, whether the employé has received a liberal education; if he has initiative discernment, firmness, deliberation; the grade of classic and administrative instruction; as to his administrative conduct; if he is zealous, assiduous; if his private life is creditable to the administration; as to the position of his family; if he is married or single; if he has children, and what, if any, other charges; the extent of his personal resources; if he merits promotion; if he will accept it in any department of the service in Algeria and the colonies, for example, and to what grade he is equal; and, finally, for what sort of employ he possesses special aptitudes. It is expected that those should be specially named in this list towards whom the opinions of their superiors may have undergone a favorable change, in order that the pre-

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vious records may not stand in the way of their future promotion, more especially if made from bad motives or without discrimination.

Further to assist the authorities in reaching accurate conclusions in regard to their agents, a system of annotations, or conduct record, has been adopted since 1802, which has been productive, it is said, of the happiest effects. A register is kept by every officer in command in the active or out-door service, who receives his appointment from the directors, of whom there are thirty-one. In these registers an annotation is made of any grave negligence in the service, any want of subordination to superior officers or lack of respect to the public, any infraction of rules against passing the frontier, entering cabarets unnecessarily, drunkenness, or any scandalous conduct outside of those more serious offences which involve dismissal from the service, degradation, or surrender to the officers of justice. These annotations are transmitted hierarchically to the captain. The captain, after verifying the facts, sends it with his remarks to the inspector, who sends it back to him with authority to inscribe the annotation against the offender, if he finds the facts justify it; if not, he reserves his decision until he makes his next tour of inspection in that division.

If the annotation is inscribed, and while it remains, the subject of it is incapacitated for competing for promotion, and excluded from participation in certain gratifications amounting to some 300,000 francs a year, which are divided among certain classes in the active service. A first annotation can only be removed by six months of unexceptionable conduct; a second, by a year's; and a third, by fifteen months.

The overseer who receives a fourth annotation for an offence similar to the one which provoked the preceding annotation, forfeits his commission; and for a second offence he is sent to a post of smaller pay, if there is any. The brigadier is degraded for the third annotation, on account of the same offence. Less offences are visited with reprimands, but the third reprimand in the course of the same year provokes an annotation.

Thus it happens, that every six months from the day a young man enters the service until he leaves it, a careful record is made of every change in his conduct calculated to affect his value as a public servant. He is judged and reported upon every year or two by different persons, so that he never can be for any considerable period the victim of unjust prejudice or the object of an undeserved partiality. Officers who make these reports are rendered cautious in their judgments by the risk they run of having them received each successive year by officers of a higher grade and of more consideration, as the subject of them is promoted. These records remain as testimony not only for or against the officer reported upon, but for or against the fairness, the discrimination and the vigilance of the officers reporting.

Thus every official phase of every man's career in the revenue service of France, for nearly a century, can be turned to and verified at a moment's notice, and the judgment of his superiors brought to a test which furnishes the highest possible guarantee against prejudice and favoritism. Thus the faithful servant of the government is secure, not only of a permanent position that cannot be seriously affected by any political vicissitudes, but he also has a prospect of promotion according to his merits, depending in the least possible degree upon political influence and personal favor. For this security he can afford to accept comparatively moderate compensation. The emoluments of the French revenue officer are scarcely half what are enjoyed by officers of the same grade in the United States; and yet, reckoning the cost of procuring the commission and the uncertainty of retaining it, the United States officer is not nearly as well paid as the French. Here is a list of the salaries paid to officers of the central administration in France. I give the amount in dollars, at the rate of five francs to the dollar:

Director general, $6,000 a year; administrators, $2,400; heads of bureaus,

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four classes, $1,800, $1,600, $1,400, $1,200; sub-heads, four classes, $1,100 $1,000, $900, $800; principal clerks, $700, $600, $540; expeditionaires, $480 to $240.

In the departmental service the salaries range as follows:

Directors, four classes, $2,400, $2,000, $1,800, $1,600; directors' clerks, divided into three grades of two classes each, receive from $600 down to $200, according to their rank.

Inspectors, in three classes, receive, respectively, $1,200, $1,000, $900. The sub-inspectors, also composed of three classes, receive $700, $600, $500.

The receivers, divided into seven classes, receive salaries ranging from $1,200 to $500, and the assistant receives from $480 to $200. The controllers, consisting of four classes, receive from $600 to $480. The verifiers, in three classes, receive from $440 to $320 and less. The visitors, $200.

The captains receive from $480 to $400; the lieutenants from $320 to $240; brigadiers, $200 to $190; sub-brigadiers from $180 to $170; overseers or préposés, sailors, &c., &c., $160 to $150; storekeepers, $200 to $180.

The receipt of any sort of present or gratuity in recompense for their services, except from the state, is strictly prohibited, and any person guilty of the offence is visited with a fine, and in some cases with imprisonment.

Besides these salaries the officers of the French customs and their widows are further secured against the contingencies of the future by retiring pensions.

At the age of sixty, and after thirty years' service, a right to a retiring pension, *par ancienneté*, as it is called, is complete. Those who have been fifteen years in the active, as distinguished from the sedentary, service, can retire at fifty-five years of age, after twenty-five years' services. In case of inability to discharge his duty from moral or physical causes, the full term of service is not required as a condition of being retired. The pension is based upon the average of regular emoluments received and enjoyed by the candidate for the six years preceding his application. The pension is the one-sixtieth of the average pay for each year of service, except in case of twenty-five years in the active service, when a small per-centage is added. In no case can the pension exceed three-fourths of the average pay, nor the following maximums:

Pay	$200 and under	$150
"	202 to $480, ⅔ of the average pay, not to go below $150.	
"	480 to 640	320
"	640 to 1,600, half the average pay.	
"	1,600 to 1,800	800
"	1,800 to 2,100	900
"	2,100 to 2,400	1,000
"	above 2,400	1,200

As a partial indemnity to the state for these pensions, each officer bears a light tax every year upon his salary while he is in the service.

All the law and regulations upon this subject will be found in Delandre, pages 98 to 113 inclusive.

Such is the system by which France trains a class of picked men for her revenue service from their early manhood; profits by the labor of the best years of their lives, and by all the experience and skill which they possess and acquire during the twenty or thirty years they are in her employ, by a well digested system of compensations and discipline; contrives to weed out all who prove unprofitable, and, at an expense far below what the same service could be procured for in any private business, to provide herself with a corps of from twenty to thirty thousand men remarkable in every respect for their intelligence, their efficiency, and their fidelity.

I have been at particular pains to inform myself in regard to the fidelity of the service, and what, if any, kind of corruption prevailed in any of its depart-

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ments. I was assured by Mr. Masseron that such a thing as fraud or corruption of any kind was almost unknown. The system of inspection is so rigorous, the reports so frequent, and the consequences of fixing an act of corruption or even of neglect upon any one so fatal to him, that it is impossible for an evil-disposed officer to get up through the lower grades, where the opportunities for committing fraud are most limited, without being detected, degraded, or dismissed. Any man who has an imperfect appreciation of the value of a good character, even in matters of minor importance, will be constantly thrown back, and four annotations for the same offence dismiss him from the service. Under such a system advancement becomes impossible except upon ample proofs of good character and capacity.

I have confirmed this impression from other sources. An American gentleman, who has been largely engaged in commerce in Paris, assured me that in all the principal custom-houses of the world, of which he had a large experience, he had found a little money, judiciously bestowed, would hasten the delivery of goods and secure other important facilities in the transaction of custom-house business, but that in France he could do nothing with money; a polite and respectful appeal to those whose service he required was the only stimulant he had ever found of any avail. During my residence here I have never heard of a French custom-house officer being successfuly approached with money or a bribe of any sort.

The French customs service is very numerous. The following is about the force now employed:

Administrative and collecting service:

Directors	31	
Clerks of direction	167	
Principal and subordinate receivers	790	
Clerks of all classes	644	
Inspectors	95	
Sub-inspectors	82	
Controllers	86	
Verifiers and visitors	714	
		2,609

Active or brigadier service:

Captains	279	
Brigadiers and sub-brigadiers	5,087	
Lieutenants	545	
Overseers of all classes	17,599	
Mounted men	52	
Cockswains	394	
Sailors	1,420	
		25,374
		27,983

A large force is necessary for a service conducted with so much system, and where so much work is required; for about everything that is done by any officer in command is reported upon to some superior in writing. It is in this way that the supervision and accountability is rendered so perfect.

But there is another reason why a larger force is employed than the simple collection of the revenues absolutely required. The revenue force of France is a military as well as civil organization. Every man in it is a soldier, and capable of taking the command to which his rank in the service entitles him. If he has not seen active service, he has, at least, been duly trained and disciplined to arms. The advantage of this is, that the force thus employed and scattered

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all along the frontiers, both by land and sea, and familiar with the country, constitutes a reserve of incalculable value in case of a foreign war. It can garrison all the frontiers by land and sea, and thus liberate the whole regular army for any service to which it may be called. This actually occurred during the Italian campaign of 1860. Paris, and many other parts of France, were exclusively garrisoned by the revenue force. This secondary duty does not interfere with the primary duties of the service, because till their beat is threatened with invasion they can attend to their regular business as usual, and when that is threatened, of course, all commerce across the threatened point is suspended, and the brigades are occupied in watching hostile soldiers instead of smugglers.

Permit me to conclude this report by stating my conviction, that there is much in the organization of the French revenue service by which the United States might profit, and I deeply regret that my ignorance of the details of our system does not permit me to point out more specifically the lessons to be derived from it. I may say, however, that in my judgment its greatest merits consist—

1st. In the perpetuity of the tenure of office, by virtue of which the country profits by the accumulated skill and experience of its servants.

2d. Its system of promotion secures the most competent and faithful men for the higher and more responsible grades of service.

3d. It takes only young men into service, and thus secures to the state the benefit of their service during the best years of their lives; and,

4th. It guarantees to them a constantly improving livelihood, and in case of accident, provision for their families, upon terms which furnish the incumbent a constant inducement to do his duty faithfully, and to render distinguished service when an opportunity is offered to him, and in turn secures that service to the state at very advantageous rates.

Unhappily, I fear, none of these advantages can be grafted upon our system of quadrennial changes in the administration. The whole value of the French system depends upon the permanent tenure of the service. The moment that is rendered insecure the whole fabric crumbles to pieces; and unless some method can be devised by which those who enter the subordinate departments of the United States government can be guaranteed a similar permanence, we must pay much higher salaries, get very inferior service, waste our experience, and, withal, fall a prey to the infinite brood of frauds which inevitably result from the constant conflict between interest and duty which our execrable practice of mutation in office engenders.

In confirmation of the high estimate I have formed of the douane organization of France, it is proper that I should state that the administration has been applied to by several foreign governments, including Italy, Russia, and Turkey, for working details of its operation, and for skilled officers of the French service to aid in transplanting it to their soil. One of these officers is now in Mexico, organizing a new revenue system for that country entirely upon the French model.

Yours, very respectfully,

JOHN BIGELOW,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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PRUSSIA.

Mr. Vesey to Mr. Seward.

No. 6.] AMERICAN CONSULATE,
Aix-la-Chapelle, February 21, 1863.

SIR: I have the honor to acknowledge the reception of the circular of the department, No. 30, and dated the 24th of December last, directing me to forward to the department information as to the means adopted, in the country of my official residence, for the protection of the revenue, and the collection of duties in the passage of goods across the national frontier.

I beg to refer to the accompanying extract of the general instructions of this government to its officers upon the subject. The sheet marked A shows the formalities and regulations when foreign goods are imported and forwarded in transitu, or stored in public warehouses, with the privilege of entry for home consumption, or for re-exportation. The system is, I am informed by those who are in business, very complete, and a great prevention against frauds upon the revenue.

The national frontier is the custom-house boundaries; localities are designated on the line as stations, through which goods are allowed to be brought into the country. Where canals or rivers form the boundary, the legal landing places are designated by the government The custom-house boundary is protected by a body of men who are uniformed and armed, and all other government functionaries are enjoined to render assistance, in case of need, to prevent frauds or smuggling. Goods passing the frontier must travel the roads prescribed by the government, and by daylight, from sunrise to sunset. The carrier, boatman, or person in charge of the goods, is obliged to report himself, on arriving in the country, at the nearest custom-house establishment, whether the goods are liable to duty or exempted; he must make a declaration of all goods, wares, merchandise or provisions under his charge. The form for this declaration is herewith transmitted, and marked B, with the general instructions for its use indorsed upon it. It is at the option of the party importing goods to enter them for home consumption and pay the duty at the frontier, or have them taken to a custom-house of the interior, more convenient to the owner. It is also optional to have the goods examined and verified, and the duty ascertained, either at the frontier or at any locality of the interior, where the amount may be paid. But in either case the goods are always in possession of the custom-house authorities in the transit from one place to another, and are kept under lock and key, or, where such mode is impracticable, one or more leaden seals (plombage) are attached to each package. A time given, according to distance, is allowed, and the carrier, with the owner of the goods, are justly and severally held responsible for the delivery at the place of destination and presentation at the custom-house. In order to insure the performance of these obligations, security must be deposited for the approximate amount of the duty, or a bond entered into by a third party. The bondsmen and the owners of the goods are jointly and severally held responsible for the payment. Under the same regulations goods may be stored at the depots of the frontier, or removed to other custom-houses within the limits of the German confederation, with the privilege of being entered for home consumption or re-exportation. The bondsman in this, as in all other cases, must be a third party. The return of the securities deposited, or release from the bond, is granted upon a certificate being presented that the obligations have been complied with. All goods sent in transit, either to another custom-house or to the frontier for re-exportation, must be accompanied by a way-bill, granted by the custom-house, a copy of which, marked C and D, is herewith transmitted. The first named, C, shows that the goods have been examined, and the amount

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of duty ascertained at the frontier, but allowed to be removed to another custom-house for the payment of the duty. Form D is used for goods that are removed under bond, either for storage in a public warehouse or for transhipment to another country. These documents are issued in duplicate, one given to the owner and the other to the carrier, and they are required to sign an obligation to faithfully comply with the terms and regulations set forth therein. When the goods are presented and over the frontier the way-bill is indorsed, the bondsman released, or the amount deposited refunded. The manner in which the record of way-bills is kept, and the receipts granted for the same, is exhibited in the copies of four forms, marked from E to H, herewith transmitted. No printed forms can be obtained at the custom-house here. To guard against frauds the forms are counted over to each clerk of a department, who is held responsible for the number received.

Goods must not exceed a reasonable time in reaching their destination, and in no case are way-bills granted for a longer period than four months.

No fees are exacted for the performance of any duties of public functionaries. The cost of leaden seals, roping, labor-hire, &c., is charged by the custom-house; but officers and clerks receive no fee or gratuity.

Goods may be stored in the public warehouses for any term not exceeding two years. The charge for storage differs at different places, according to locality, but in no case is the charge more than three cents (American) per month for one hundred weight (equal to 104 American) of liquids per month, and two cents for all other kinds of goods. The goods can never be removed until all claims of the government are satisfied. This being an inland town, the forementioned regulations and formalities apply to goods brought by common carriers or boats. The custom-house regulations in force were framed in 1838, but their main features apply to the modern transit by railroad; the companies are considered common carriers, and are held responsible as such; they are, therefore, exceedingly cautious, in receiving goods, to see that the custom-house regulations are strictly complied with. Declarations are made out in two languages, German and French; a translation of these documents, marked I and K, with copies of the forms attached, are herewith transmitted. I also transmit a translation, marked L, of the railroad convention between Prussia and France. This convention forms a part of the commercial treaty lately concluded between the two countries; it defines the whole system, and might perhaps be found useful in the intercourse between the United States and Canada. I also beg to hand the department a book, marked M, containing the French-German treaty above alluded to, as well as the new tariff and correspondence of several German courts upon the subject. I annex a translation of the index; also a pamphlet, marked N, that examines the treaty and points out the advantages to be derived from it, and refers to statistics that may be considered interesting to the department. The accompanying book, marked O, is a hand-book for the use of custom-house officers in Germany; refers to the tariff and rules to assist the officer in the discharge of his duties, and points out the different by-laws of various parts of the German confederation.

In the hope, sir, that the foregoing will be considered satisfactory to the department, I have the honor to be, with the highest respect, sir, your most obedient servant,

W. H. VESEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

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BELGIUM.

Mr. Crawford to Mr. Seward.

No. 17.] CONSULATE OF THE UNITED STATES,
Antwerp, February 26, 1863.

SIR: I have the honor to acknowledge the receipt of your circular No. 30, making certain inquiries as to the mode of "passing goods across the national frontiers," &c., &c.

All goods, with but few exceptions, pass through the kingdom of Belgium free of duty; but in order to protect the government against frauds, the following precautions are taken by the custom-house officers, during the passage of goods from one frontier to another, viz: All goods on entering, and during their transit through Belgium, are placed under seal, and a custom-house permit is forwarded with the goods, which must be presented at the frontier from which the goods are exported. If the permit is not returned within six months to the place of its issue, then the duties must be paid by the party who entered the same for transit. There is another mode of transit, called "direct transit," under the immediate control of the custom-house authorities during their passage through Belgium. They are placed in a car, locked up by a custom-house officer, who retains the keys until they arrive at the national frontier. If this mode is selected, then the custom-house authorities assume all responsibility, and the person sending the goods can under no circumstances be held responsible.

I have the honor to remain your obedient servant,

A. W. CRAWFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State.

SWITZERLAND.

Mr. Wolff to Mr. Seward.

No. 30.] CONSULATE OF THE U. S. OF AMERICA,
Basle, Switzerland, March 9, 1863.

SIR: In accordance with circular No. 30, dated December 24, 1862, which I received February 12, 1863, I have obtained some information in reference to the protection of revenues, and the collection of duties in the passage of goods to Switzerland and across the frontier. Switzerland is divided into six departments for collection of duties. Basle belongs to the first department; the custom-house is located at this city. This department comprises Basle city, Basle land, canton of Aragan, and the frontier line of the cantons of Berne and Solem.

I.—IMPORTATION AND THE FORMALITIES.

The importer has to make a written declaration stating the value and description of the merchandise. All merchandise to be examined and inspected by the officer at the custom-house, except such merchandise as is declared under the highest class of tariff—this is No. 9—and pays 15 francs per 100, Brullo weight. The importer has to bear the expenses for packing, which are only a trifle.

For every wagon load of goods a declaration has to be made, and the custom-

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house officer is authorized, if necessary, to open and to examine every package, and if in accordance with the declaration, it is packed up again without any charges. I enclose herewith a form of declaration.

II.—TRANSIT ACROSS SWITZERLAND.

For transit of goods a written declaration is required, and the officer of the custom-house may inspect and examine the same if necessary, issue a certificate, which must be presented, in a given time, to the officer of the frontier custom-house. The transit toll, for a distance of eight hours, is five centimes for one hundred pounds weight; over that distance, thirty centimes. Goods may be transmitted under seal of lead; for every package, fifty centimes has to be paid.

III.—EXPORT.

The formalities for export are very simple. A written declaration must be made, and for almost all the goods twenty centimes per quintal must be paid. Merchandise under seal of lead, as in transit from Switzerland across France, requires two written declarations. The charges of the French custom-house are, for every package fifty to seventy-five cents; and if wagons with goods, for every 1,000 kilogrammes twenty-five to fifty cents. Merchandise exported from Switzerland, *via* France, to any country where no international transit is in existence, such merchandise has to be examined at the French frontier custom-house, every package to be sealed with lead, and forwarded under guarantee. The charges for every package are seventy-five cents; for seal, seventy-five centimes; and for guarantee, seventy-five centimes.

IV.—THE PENALTY FOR A VIOLATION OF THE REVENUE LAW.

A. Whoever imports, exports, or transmits merchandise liable to duty, or takes the same out of the public warehouse, against the rules and regulations;

B. Whoever imports and exports merchandise, liable to duty, over certain non-allowed roads, or to places not being ports of entry;

C. Whoever leaves the prescribed road from a by-custom-house to a general custom-house;

D. Whoever appears with merchandise liable to duty, and passes the custom-house for one hundred yards without being at liberty to do so;

E. Whoever fails to tender the officer of the custom-house the toll, in whole or in part;

F. Whoever makes an incorrect statement of his merchandise for the purpose of lessening the toll;

G. Whoever declares the weight five per cent. too low, or the value at least ten per cent. lower, with the purpose of lessening the toll;

H. Whoever appears across the line in Switzerland with merchandise liable to paying duty at the closed hours, against the rules and regulations;

Every one who thus acts contrary to the above-named regulations will be punished, for the first time, with a penalty from five to thirty times the value of the toll, in addition to the fees, &c. In repeated cases the fine may be doubled, and, under certain circumstances, two years' confinement in the penitentiary sentenced, subject to the pardon of the federal government.

One part of the fine the informer receives; one part the treasurer of the canton; and the balance must be paid over to the federal treasury.

Enclosures: No. 1. Form of declaration for import; No. 2. Form of declaration for transit.

I am, sir, very respectfully, your obedient servant,

A. L. WOLFF,
United States Consul.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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SPAIN.

Mr. Seward to Mr. Shufeldt.

No. 160.] DEPARTMENT OF STATE,
Washington, December 11, 1862.

SIR: Your despatches of the 28th of November (110) and December 3 (111) which relate to the case of Demetrio de Bustamente, a naturalized Spaniard, have been received. It is a source of satisfaction that the affair has gone off, either really or apparently, by accident, without rendering any direct proceeding upon it by this government necessary. The national interest is benefited by avoiding, so far as possible, all occasions of irritation in our foreign intercourse. Such occasions unavoidably occur often enough, as incidents of our present internal distraction, without our seeking to multiply them. I do not think it expedient, therefore, to raise a question about the effect of naturalization, except when a case inviting it has actually arisen.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

R. W. SHUFELDT, Esq.,
United States Consul General, Havana.

Mr. Seward to Mr. Shufeldt.

No. 178.] DEPARTMENT OF STATE,
Washington, January 31, 1863.

SIR: Your despatch of January 21 has been received, and the information it contains communicated to the Navy Department.

Your proceedings in the case of the Oreto and her captures, and also in the matter of the Reannie, as reported by you, are approved. A representation will be made to her Majesty's government in each of these cases. It is due to that government to say that it has thus far manifested no reluctance to consider the claims which have been presented to it for redress in cases of injuries committed by its agents, and certainly no other than the most friendly and cordial feelings towards the United States.

Almost the last despatches from Madrid brought us concessions in such a case, which arose at Malaga, as liberal in form and effect, having due reference to the magnitude of the case, as those we have accorded to the Spanish government in the case of the Blanche.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

R. W. SHUFELDT, Esq.,
United States Consul General, Havana.

BAVARIA.

Mr. Webster to Mr. Seward.

[Extract.]

No. 16.] CONSULATE OF THE UNITED STATES OF AMERICA,
Munich, August 22, 1863.

SIR:

* * * * * * *

I will with pleasure present the books you advise me of to the Bavarian government, as soon as they arrive.

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In this connexion I would like instruction. The question is, *ought* the *United States* to be subjected to the payment of duties upon *her own property* sent by her to her consulates in foreign countries, for the proper and public use of the consulate, or for presentation to the government of that country?

I can find nothing upon the subject in the books at my command. In December, 1861, I made a presentation to a counsellor of the ministry for foreign affairs of my views of the case, verbally, and as a result received, free of duty, the case of stationery sent me by your excellency, a report of which will be found in despatches Nos. 8 and 9 of that year.

But the claim has been since revived at the custom-house in every instance of an arrival from the department, and in every instance *enforced*, with the exception of the case of *books presented* to the Bavarian government in April last; but even this exception was obtained after much labor and many vexatious delays, as reported in despatch No. 7 of the present year. Whether I shall succeed in being allowed to present the books, now announced as on the way, to the Bavarian government free of duty, remains to be seen.

Do Bavarian consuls in the United States pay duty upon supplies, &c., sent them by their government for their official use? If not, we should have equal privileges.

I wish it to be distinctly understood that I make *no personal claim of exemption* from liability to pay custom dues upon anything I may import for *my private use.*

I am, sir, with great respect, your very obedient servant,

FRANKLIN WEBSTER,
United States Consul.

His Excellency WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT, *October* 20, 1863.

SIR: I have the honor to return herewith despatch No. 16 from the United States consul at Munich, in which inquiry is made in regard to the exemption from duty in the custom-houses of the United States of articles furnished to Bavarian consuls in this country by their own government for official use.

I sent this despatch to the collector at New York for his report, which I enclose for your information, from which it will be seen that the difficulty experienced by our consul at Munich, in regard to the books, &c., would be obviated if these national presents were addressed to our minister there.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. W. H. SEWARD,
Secretary of State.

CUSTOM-HOUSE, NEW YORK,
Collector's Office, October 15, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of 13th instant, enclosing a communication from the honorable the Secretary of State, transmitting a despatch from the United States consul at Munich, in regard to the exemption from duty in the custom-houses of the United States of articles furnished by foreign governments for the use of their resident consuls.

In reply to the inquiry of your letter, I have to state that the practice of this office is to

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charge duty on all dutiable articles imported for the use of consuls, same as on any other importation of articles for personal use of persons residing in the United States. The only exceptions which international comity has made are in behalf of ambassadors.

The decision and doctrine of the department on this question will be found on page 594 of general regulations of the treasury, of February 1, 1857.

It may not be improper here to remark that, the privileges of foreign ministers being reciprocal between all nations, the difficulty experienced by our consul at Munich in regard to the books, &c., would be obviated if these national presents were addressed to our minister there.

The documents enclosed in your letter are herewith returned.

I am, very respectfully, your obedient servant,

HIRAM BARNEY, *Collector.*

Hon. S. P CHASE,
Secretary of the Treasury.

Mr. Seward to Mr. Chase.

DEPARTMENT OF STATE,
Washington, October 24, 1863.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th instant, enclosing a report of the collector of customs of New York, in regard to the exemption from duty in the custom-houses of the United States of articles furnished to Bavarian consuls in this country by their own government for official use.

The suggestion which you make, that books, &c., sent by the government of the United States to an American consul would be exempted from duty if directed in the first instance to the resident minister of the United States in the country, is inapplicable to the case of Bavaria, as we have never been represented in that country by a diplomatic officer.

I beg leave to suggest for your consideration whether it may not be advisable that books, stationery, and like articles, imported by foreign consuls resident in the United States, or sent to them by their respective governments, and intended solely and entirely for official use in their several consulates, be admitted free of duty; this is a privilege which, it is understood, is enjoyed in many instances, through courtesy, by United States consuls abroad.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. S. P. CHASE,
Secretary of the Treasury.

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT, *October* 28, 1863.

SIR: I have the honor of acknowledging the receipt of your communication of the 24th instant, relative to duties upon articles furnished to foreign consuls in this country by their own governments for official use.

Your suggestion, "whether it may not be advisable that books, stationery, and like articles, imported by foreign consuls resident in the United States, or sent to them by their respective governments, and intended solely and entirely for official use in their several consulates, be admitted free of duty," is worthy of consideration; and I will take early occasion to bring the subject to the attention of Congress.

With great respect, your obedient servant,

S. P. CHASE,
Secretary of the Treasury.

Hon. W. H. SEWARD,
Secretary of State.

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HANSEATIC AND FREE CITIES.

Mr. Boernstein to Mr. Seward.

[Extract.]

No. 89.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bremen, September 13, 1862.

SIR: This consulate is daily crowded with men wishing to enlist in our army. Having received no orders to this effect from the department, I am bound to send them off again.

Could no arrangement be made to send those men to the States free of charge, as emigrants? Some of them are even willing to have the travelling expenses deducted from the bounty or wages. Had I authority I could have sent a few brigades to the States already. * * * * * *

I am, sir, very respectfully, your most obedient servant,

CHARLES BOERNSTEIN,
United States Vice-Consul, Bremen.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Boernstein.

No. 55.] DEPARTMENT OF STATE,
Washington, October 6, 1862.

SIR: Your despatch of September 13 (No. 89) has been received. The War Department has been consulted heretofore concerning the offer of inducements to foreign officers and soldiers to migrate and join our armies. But it has thus far found no such necessity for a measure of this kind, as would overbalance the inconveniences and annoyances which might result from it. The country presents inducements to emigrants, as well in military as in civil life, but it is in no such straits as to require extraordinary efforts or sacrifices to promote such an immigration. All that seems necessary for our representatives abroad to do is to direct attention to such social facts as are, or ought to be, universally known.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES BOERNSTEIN, Esq.,
United States Vice-Consul, Bremen.

Mr. Murphy to Mr. Seward.

No. 35, of 1863.] CONSULATE GENERAL OF THE
UNITED STATES OF AMERICA,
Frankfort-on-the-Main, April 8, 1863.

SIR: I have the honor to enclose to you shipper's receipt for seventy-nine packages of linen and lint, shipped in the Hamburg steamer Hammonia, Captain Schwensen, consigned to the Hon. E. M. Stanton, Secretary of War, Washington, and care of Austin, Baldwin & Co., New York. This last shipment is for 12,033 German pounds, and what is equivalent to 13,036 English pounds, and is a part of those articles contributed by the Germans, mostly in my consular jurisdiction, for the wounded soldiers in the Union army.

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The freight on this I have paid to Hamburg; from thence to New York I have procured it to be carried free. The amount paid for this freight was included in my draft drawn on the Department of State the 31st of March ultimo.

The next shipment will be for over fifteen thousand pounds, and will be made direct to the Secretary of State, unless different instructions shall in the mean time be received.

The charges on this have all been paid and included in the draft before mentioned. I am in hopes of being able to get it carried down the Rhine to Rotterdam without any charge.

From a letter published in one of the Washington papers I observe that a large quantity of lint and linen will not be needed for the soldiers, but the contributors will be satisfied to have it sold and put to any other uses which the Surgeon General of the army shall deem fit and proper.

The linen must now be of great value in America, and can be sold for high prices. I regret to say, the Hanoverian government detained this last shipment of linen and lint for nearly four weeks, demanding the export duty of three thalers, or $2 10, per quintal. I have been enabled, however, to furnish the said government with satisfactory evidence, and procured the release of the shipment.

I have the honor to be, with great respect, sir, your most obedient servant,

WILLIAM W. MURPHY,
United States Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Stanton.

DEPARTMENT OF STATE,
Washington, May 5, 1863.

SIR: I have the honor to transmit herewith for your information, a despatch (No. 35, of 1863) received from Mr. Murphy, the consul general of the United States at Frankfort-on-the-Main, in regard to contributions of lint and linen which have been made in Germany for the use of the United States army.

I will thank you to return the despatch with your reply.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. E. M. STANTON,
Secretary of War.

Mr. Seward to Mr. Murphy.

No. 80.] DEPARTMENT OF STATE,
Washington, May 5, 1863.

SIR: Your despatch of April 8 (No. 35) has been received, together with the shipper's receipt for seventy-nine packages, shipped in the Hamburg steamer Hammonia, consigned to the honorable the Secretary of War. I learn from your note that the consignment covers 13,000 pounds of linen and lint, and that this is only an instalment of supplies contributed by Germans, most of whom reside within your consular district, for the relief of wounded soldiers in the army of the United States.

Having lost no time in transferring the receipt to the hands of the Secretary of War, I am directed by the President to acknowledge, in behalf of the Amer-

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ican people, a gift which could not be overvalued, even if it were to be regarded as proceeding from the simple motive of Christian charity. The contribution comes opportunely to us, however, as a token of the sympathy of our German brethren with the cause of the American Union, one of whose aspirations it has been, and yet is, to offer an asylum to the exile and the oppressed of all nations.

We think ourselves authorized also to regard the gift as a contribution of the German people to the cause of impartial freedom, which, by means of this painful civil war, has become identified with the cause of the American Union.

You will make these acknowledgments known to the donors in some manner which will be respectful to the government of the free city of Frankfort.

I am, sir, your most obedient servant,

WILLIAM H. SEWARD.

W. W. MURPHY, Esq.,
U. S. Consul General, Frankfort.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,
Washington City, May 22, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the fifth instant, transmitting a despatch (No. 35, of 1863) from Mr. Murphy, the consul general of the United States at Frankfort-on-the-Main, together with the shipper's receipt for seventy-nine packages of lint and linen, contributed in Germany for the use of the United States army.

In reply, I have the honor to inform you that upon reference of your communication with its enclosure to the Surgeon General, the same has been returned by that officer, with a report in the following words, viz:

"Arrangements have been made for the reception and distribution of all such contributions, and, on the ninth instant, a requisition was sent to the Secretary of War asking for funds to meet the expenses connected with this transportation."

A requisition to meet the expenses above mentioned has been sent to the Treasury Department.

I will thank you to convey to Consul General Murphy, and through him to the donors of these timely contributions, the thanks of this department and of all those for whose benefit and relief the same were intended.

In accordance with your request, the despatch of Mr. Murphy is herewith returned.

I have the honor to be, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Murphy to Mr. Seward.

No. 139.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Frankfort-on-the-Main, September 17, 1862.

SIR: I have the honor to enclose a communication which appeared a few days ago in the *Journal de Frankfort*, of the 15th of September ultimo, a French paper published in this city, in favor of the Napoleonic system of government, and

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sustained for that purpose by French funds. The letter purports to be written from New York, and the writer is supposed to be one of the editors of the "*Courier des Etats Unis*," of New York. The letter is only of a similar character with a great many others from the same source published almost daily in that paper. Some of these letters allege, among other things, that many divisions of our army have received no pay for months; that our army is badly fed and taken care of; that Pope's army is in a state of insubordination and demoralized; that our generals are so jealous of each other as to refuse to render assistance to either when needed, &c. Such letters contain but little truth, but they have a very injurious effect upon American stocks, of which a large amount is held in this city.

Many of the telegrams, too, which are sent from America, *via* Cape Race, seem to be in the secession interest, as the first news coming in that direction is also generally against the Union cause. Even such malicious telegrams as the entire and unconditional surrender of McClellan's army, and of New Orleans, came by that route, and over Reuter's line of telegraph, and caused great losses in stocks of our country held in Europe. I do not know that the government is able to put a stop to these false telegrams; but if so, it ought to be done. It may be possible to detach Reuter's line from the secession interest, and it ought to be done by our government.

The news of the great defeat of our army at Bull's run, or Manassas, a second time, creates a great feeling of sadness among the Americans here. Our defeat before Richmond, in July, created great rejoicing among the numerous secessionists now living in Europe, as well as with the reactionary party generally on the continent. The friends of the Union in Germany are beginning to express doubts about our being able to crush out this rebellion. I am sorry to notice many of our Americans, travelling in Europe, are feeling in the same way, and bankers holding American securities are also getting impatient over the great delay of our army in making any progress in that respect. It is sad to think that our army is no further advanced in Virginia than it was a year ago. Generally, intelligent and highly distinguished military officers, who are watching our contest closely, and studying attentively the movements of our armies, attribute all our reverses to incompetent officers. It is to be hoped that this is not true, but that our officers are as well skilled and brave as those of the secession army.

It is thought a few more such defeats of our army, as the last two reported here, will bring about the recognition of the south.

I have the honor to be, with great respect, sir, your obedient servant,

WILLIAM W. MURPHY,
Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Murphy.

No. 48.] DEPARTMENT OF STATE,
Washington, October 11, 1862.

SIR: Your despatch of the 17th of September (No. 139) has been received, together with the newspaper which it describes. People are fond of excitement, and the writer you allude to fully understands popular sensibilities. It may be found that he has improved the recent successes of the Union cause to balance the prediction of disaster to that cause which he indulged after the reverses sus-

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tained by General Pope. Happily, a war cannot be lost or a State subverted merely by criticisms of military measures or political administration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

W. W. MURPHY, Esq.,
United States Consul General, Frankfort.

Mr. Murphy to Mr. Seward.

[Extract.]

No. 138.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Frankfort-on-the-Main, September 15, 1862.

SIR: The greatest excitement prevails, as well on the exchange as amongst the public at large, since the last American news of the 5th instant, about other resultless battles and positive defeats of our troops, have been announced by the telegraph, and have led even to apprehensions for the safety of Washington. The usual tranquillity of the summer season was prevailing during the week, until the said reports created so great an alarm that not only American stock was abundantly offered, but also at a sudden decline of about eight per cent., and the fear of the continuation of the war beyond the current year led to the most frightening surmises about commerce and industry. Europe depends too much upon American consumption to be able to be a quiet looker-on when the latter is evidently diminishing from day to day. Cotton and cotton goods have gone up 40 to 50 per cent., or in the same degree as the value of the American securities is going down. Everybody here, it is true, believes in the final victory of the government over the rebellion, if it is not interfered with, but at the same time the conviction is gaining ground that the great European powers will not delay any longer their intervention, unless the conflict is soon terminated, and that, especially, Louis Napoleon will make Mexico the pretence of sending troops across the Atlantic to enforce the recognition of the southern confederacy and the opening of the blockade.

Mason and Slidell are openly spoken of here as inclining towards monarchical principles to satiate their hatred and revenge upon the north and promote their own selfish interests. The frequent secret visits which Slidell is said to pay to Louis Napoleon may stand in intimate connexion with the plan to join the Confederate States and Mexico into one empire, with a Napoleon prince on the throne. Every American's heart must bleed within him if he has to listen to or read the discussion of such plans, which will be given at once when new advances and victories of the south make the retrogressive party of Europe rejoice over the defeat of the north, and the injury done to the cause of freedom generally. This is the more deplorable at a time when the efforts of our government to attract the cause of emigration are to be promulgated by its diplomatic and consular agents abroad, and when the best intentions to promote these efforts are counteracted by such discouraging and humiliating news.

The transactions of the Bourse are, of course, not enlivened by such news, the entire activity being limited to discussion. Nobody is inclined to buy American stock at present, however inducing and profitable speculation may appear from the lowness of the prices. In fact, a few more such defeats and our credit is gone in Europe for years. Mistrust in the solidity of our govern-

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mental system is increasing from day to day, and the government is more suspected and abused at present than ever before.

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I have the honor to be, with great respect, sir, your most obedient servant,

WILLIAM W. MURPHY,
United States Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Murphy.

No. 42.] DEPARTMENT OF STATE,
Washington, October 6, 1862.

SIR: Your despatch of September 15 (No. 138) has been received. Your account of the excitement produced in Europe by the reverses to our national armies at the close of the month of August is very interesting. It is probable that the expectations of our ruin which were then so generally expressed have been somewhat modified by intelligence of later events. Great states do not often fall from their orbits, though sometimes unexpectedly an eclipse obscures them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

W. W. MURPHY, Esq.,
United States Consul General, Frankfort.

AUSTRIA.

Mr. Canisius to Mr. Seward.

No. 22.] CONSULATE OF THE U. S. OF AMERICA AT VIENNA,
September 17, 1862.

SIR: * * * * * * *

After the capture of Garibaldi I addressed the following letter to the great leader of the Union party of Italy:

VIENNA, *September* 1, 1862.

GENERAL: As you have failed for the present to accomplish the great and patriotic work you lately undertook in the interest of your beloved fatherland, I take the liberty to address myself to you to ascertain whether it would not be against your present plans to lend us a helping hand in our present struggle to preserve the liberty and unity of our great republic.

The battle we fight is one which not only interests ourselves, but also the whole civilized world.

The welcome and enthusiasm with which you will be received in our land, where you once lived, will be boundless, and your position to lead our brave soldiers into battle, to strike for the same principle for which you have fought so nobly during your whole life, will be such as you may desire.

I would be happy, general, to receive a reply from you if possible.

I have the honor to be, very respectfully, &c.,

THEODORE CANISIUS,
United States Consul.

General GARIBALDI,
Spezia, Italy.

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To this General Garibaldi replied as follows:

VARIGNANA, *September* 14, 1862.

SIR: I am a prisoner and dangerously wounded; therefore it is impossible for me to dispose of myself.

I believe, however, that when my imprisonment shall cease, and my wound heal, the favorable opportunity shall have come in which I will be able to satisfy my desire to serve the great American republic, of which I am a citizen, and which to-day fights for the universal freedom.

I have the honor to be, very respectfully,

G. GARIBALDI.

THEODORE CANISIUS,
United States Consul at Vienna.

I received the above letter on the morning of the 18th of September, and hasten to report the above to you without delay.

I have the honor to be, very respectfully, &c.,

T. CANISIUS,
United States Consul.

Hon. W. H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Canisius to Mr. Seward.

[Extract.]

No. 24.] CONSULATE OF THE U. S. OF AMERICA AT VIENNA,
October 4, 1862.

SIR: The letter addressed to me by General Garibaldi has, as I expected, created a great commotion throughout Europe, and has produced the very best effect for the north. When, in consequence of the unfavorable news brought by every steamer, the sympathy in Europe for us grew less and less, I thought the time had come to let the world know what the great hero at the castle of Varignana thinks of us and our cause. I deemed this the more important while the great Garibaldi demonstrations in England were taking place. The correspondence was therefore published by me at once. Subsequent events have shown that my calculation was a correct one, because, since the publication of this correspondence, our cause has undoubtedly gained ground in Europe. How the secessionists like the letter of Garibaldi can be seen by reading the letter in the London Times of the 25th of September. The comments of such papers as the Times made upon the correspondence between Garibaldi and myself, have undoubtedly induced the prisoner to declare in his address of September 28, in which he thanks the English nation for the sympathy shown to him, that England ought to be the ally of the United States and sustain the north in this struggle against slavery.

I have also thanked Garibaldi, in a letter, in the name of my government and country I represent, for his noble sentiments he has expressed in our favor.

I do not doubt that you will approve of the steps I have taken in regard to this matter without having instructions. I believe a representative abroad must always act at the right time.

Garibaldi is a power in Europe and the great representative of everything that is liberal and noble, and we, therefore, ought to avail ourselves of this power without delay. I believe it would be becoming to the United States and

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the great prisoner to send one of our war steamers to Varignana and take him on board before this will be done by an English vessel.

* * * * * * * * * *

I have the honor to be, very respectfully, &c.,

T. CANISIUS.

Hon. W. H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Canisius.

No. 15.] DEPARTMENT OF STATE,
Washington, October 10, 1862.

SIR: Your despatch of the 17th ultimo brings a letter which was written by you to General Garibaldi on the first of September last.

I am directed by the President to inform you that your proceeding in writing that letter is disapproved.

First. It is, in its nature, not a consular but a diplomatic act, transcending your proper functions, which is considered the more unpardonable, when it is remembered that the United States are represented, not only at Turin, but at Vienna, where you reside, by a minister invested with the most ample diplomatic authority, constantly receiving special instructions from this department.

Secondly. Although the proceeding of inviting General Garibaldi to join the armies of the United States may have seemed to you to have been warranted by the fact that this government, a year ago, tendered a command in our armies to that distinguished soldier, yet your proceedings are not at all parallel to those which attended that case. That invitation was given by the President's direct authority, and was not communicated to General Garibaldi until the consent of the King of Italy, in whose service the general then was, to its transmission, was obtained by the diplomatic representative of this country, acting under direct instructions from this department.

Thirdly. In your communication to General Garibaldi you describe his recent movement as a great, patriotic work undertaken in the interest of his country, although the fact was known to you that the undertaking had been prohibited by the government of that country, and that General Garibaldi was taken in arms against that government. The policy of the United States, in regard to Italy, is absolute abstinence from all intervention in its domestic affairs. You have taken up an issue between the government and a portion of the people of Italy who had risen in arms against it.

At the present conjuncture, when every care is necessarily taken to avoid injurious complications in foreign affairs, and especially in Europe, proceedings on your part, so entirely divergent from this judicious policy, cannot be overlooked. Upon these grounds your commission as consul at Vienna is withdrawn.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

T. CANISIUS, Esq.,
United States Consul at Vienna.

Mr. Canisius to Mr. Seward.

No. 25.] CONSULATE OF THE UNITED STATES OF AMERICA AT VIENNA,
November 7, 1864.

SIR: Your despatch, dated October 10, in which you communicate to me that the President has disapproved of the letter I have written to Garibaldi,

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and that my commission as consul at Vienna, therefore, has been withdrawn, was received yesterday.

I have to submit to the decision of my government, but I believe, if the President had been acquainted with the circumstances under which I was induced to write this letter, he would not, at least, have removed me.

It is customary throughout Europe, I believe, that, wherever a consul resides, no applications of foreign officers who desire to enter into our army are made to the minister, because it is regarded more as a business matter than a diplomatic affair. If I recollect right, the first offer to serve in our present war was made to Garibaldi by our consul at Antwerp. I have here received at least hundreds of applications from officers who desire to enter into our army, and not only from Austrians, but also from Prussians, Bavarians, Italians, and other nations.

At the time I wrote the letter to Garibaldi he was no longer in the service of the King of Italy, or anybody else; he was only waiting for the amnesty to go to a foreign country, as the King and all other monarchs desired him to do. My letter could, therefore, offend neither the one party nor the other, and not the slightest complication could ever have occurred in consequence of it. The style of my letter could also not be offensive to the Italian government, as it is a positive fact that that government considered Garibaldi's movements patriotic, but not seasonable. The subsequent amnesty of Garibaldi, and all his volunteers of Aspromonte, is a proof of this. The circular of the minister, Durando, to the Italian diplomatic corps, is another proof that the government considered Garibaldi's movements patriotic. The language of my letter could, therefore, offend neither the government nor the people of Italy.

When Garibaldi was at Varignana, waiting for his pardon and release, I considered him as discharged from the service of every party, and merely a private citizen. The principle reason why I wrote this letter to him was to show to Europe, and especially to England, which admires Garibaldi so much, that his sympathy is in our favor, and not in favor of the south. The physical help of Garibaldi we shall hardly ever have, but his moral aid we have got already now, and it has strengthened our cause throughout Europe. I was anxious to effect this at a time when almost everybody seemed to turn against us. If I had had any idea that any of our diplomatic corps would have made known the sentiments of this celebrated man, or that our President could have had the slightest objection to it for policy sake, or that the inducement to Garibaldi to help us fight was not a business matter belonging to a consul, but a diplomatic affair, nothing could ever have induced me to write to Garibaldi.

I consider such a punishment, as a removal from my place, rather severe, because it throws myself and wife and children helpless into the streets of Vienna, with no means to return to my adopted home.

All I have will be the consolation that I have labored during my short official life with all my zeal and heart for the best of my government and country.

I have the honor to be, &c.,

T. CANISIUS,
United States Consul.

Hon. W. H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Canisius.

No. 18.] DEPARTMENT OF STATE,
Washington, December 8, 1862.

SIR: The government of his Majesty the King of Italy having been informed of the revocation of your commission, and the grounds for that proceeding, has

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generously acknowledged the consideration thus manifested for that kingdom by the United States, and has reciprocated it by requesting that the imprudence on your part, which rendered the revocation necessary, may be overlooked.

The President has had great pleasure in acceding to this request, and you will, therefore, resume your official functions as consul at Vienna.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THEODORE CANISIUS, Esq.,
United States Consul, Vienna.

ITALY.

Mr. Lawrence to Mr. Seward.

[Extract.]

No. 11.] CONSULATE GENERAL OF THE UNITED STATES,
Florence, March 2, 1863.

SIR: In accordance with the request made by the Secretary of State in circular No. 30, I transmit herewith copies of the royal decrees of King Victor Emanuel of October 29, 1861, and September 11, 1862, establishing for the kingdom of Italy a uniform system of rules and regulations for the collection of external revenue and custom dues.

These documents will be found to contain answers to most of the queries propounded by the Secretary in the above circular, so far as this kingdom is concerned.

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T. BIGELOW LAWRENCE,
Consul General.

Hon. FREDERICK W. SEWARD,
Assistant Secretary of State, Washington.

CHINA.

Mr. George F. Seward to Mr. Seward.

No. 536.] CONSULATE OF THE UNITED STATES,
Shanghai, February 21, 1863.

SIR: Referring to the revised river regulations, a copy of which is enclosed, I have the honor to point out to you the urgent need existing for a consul at Chin-kiang.

By the regulations duties are collectable at Chin-kiang, Kiu-kiang, and Han-kow. Chin-kiang is situated on the banks of the Yangtsze, above the arm of the sea which forms its debouchure. Kiu-kiang and Han-kow are further up, and, respectively, about 350 and 450 miles from Chin-kiang. The commerce of the river is confined to the upper ports, and Chin-kiang has as yet no importance beyond that derived from its character as a barrier.

In order to prevent trade at other places than those named in the regulations, and consequent loss to the revenue, a most rigid scrutiny into the movement of vessels is enforced. This scrutiny is followed, when frauds are discovered, by a confiscation of vessel or cargo, or both.

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The investigation of cases of suspected or detected frauds falls in most instances at Chin-kiang. Why, will be readily understood by recalling its position and the distance to the next declared port.

In the absence of a consul these investigations are conducted by the Chinese local authorities. The case stands, then, that our immense interests on the Yangtsze are abandoned to the caprice or avarice of the Chinese officers.

That such abandonment works vast detriment to our interests is manifest. The great theories of the treaties of the western nations with China indicates that detriment is to be expected from such premises, and the facts of the instance declare in the same direction. American property, to the value of not less than $50,000, has been confiscated at Chin-kiang since the 1st of January. It would be hard to say that our citizens have not suffered any injustice in this way.

A consul at Chin-kiang must be carefully chosen and well salaried; this, because he will need firmness and prudence to secure justice for his countrymen and to avoid collisions with the authorities, and because the expenses of living in this part of China are incredibly high; nothing less than $3,500 per year will suffice.

I would urge the matter more at length did I think it would give more force to the argument to do so; as it seems to me, however, that the facts will carry their own comments, I desire to add only that other western nations are wiser in their relations of this nature than we. To such an extent is this true, that I venture to assert that nothing but the indomitable enterprise and uniform good sense of our people enable them to sustain an unequal competition with the subjects of other powers.

Could this fact be impressed upon the minds of our legislators I should feel vastly more confident of the future of our commercial interests.

I have the honor to be, sir, your obedient, humble servant,

GEORGE F. SEWARD,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From the North China Herald of December 13, 1862.]

REVISED REGULATIONS OF TRADE ON THE YANGTSZE-KIANG.

To the Editor of the North China Herald:

MR. EDITOR: As your distant readers cannot be supposed to understand the question of the navigation on the Yangtsze-kiang, nor to appreciate the importance of the retrograde step lately taken by the English and American ministers, it may be useful to state clearly why the community of Shanghai are surprised and disappointed by the "revised regulations" to the decree shown by the recent contributions to the press. I propose, therefore, to state as briefly as possible some of the main points of the case.

First, then: The Yangtsze-kiang flows for many hundred miles through the richest provinces of China, and the products of an exceedingly active and industrious people, numbering many times the population of Great Britain, can best reach a market from its banks, which present an immense number of points from which native goods can be sent to the treaty ports, and at which foreign merchandise can be conveniently delivered. Between these various points, also, a very extensive commerce was formerly carried on, and this commerce, although now paralyzed by the rebellion, was likely to increase immensely as soon as steam was thoroughly applied to it. I should waste time, and pay a poor compliment to the intelligence of your readers, were I to enlarge upon the advantages to arise from unrestricted commerce on so great a river, or upon the increase of revenue to the imperial government which must surely have followed. Suffice it to say that the gain to all parties concerned must have been enormous.

Now, Mr. Editor, this magnificent domain for the development of commerce was supposed to have been once and forever conquered for free trade by Lord Elgin in 1858, and the following are some of the grounds upon which this supposition was based:

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1st. By the English treaty of 1858 the whole interior of China was opened to foreigners, who were declared to be at liberty to go everywhere for the purposes of trade, and even to build houses, warehouses, &c., wherever they pleased.

2d. By a special article of the same treaty (No. 10) it was agreed that "British ships shall have authority to trade upon great river (Yangtsze,)" and it was, moreover, agreed that three ports of entry should be established upon the river after its waters were freed from the insurgents.

3d. The establishment of these three ports of entry (as provided for in the latter portion of the 10th article of the treaty above alluded to) was not meant to limit foreign trade to these points, but its object was simply to furnish convenient places at which merchandise from without could be entered direct, and from which native products could be cleared direct for foreign places.

This is apparent from the general tone of the treaty, and also from the fact that the 10th article begins in the Chinese version of the treaty with the following words: on the "long river, *throughout, at every opening*, English merchant vessels may traffic."

It is also apparent from the fact that Lord Elgin speaks of his arrangements for the opening of the river in 1861 as being convenient "for the whole coast trade of the river," which accordingly was left open to foreign ships by the regulations established under his instructions by Sir Harry Parkes early in that year; and, in order that no portion of the river banks should be even temporarily closed, Admiral Hope followed up the policy of Lord Elgin by a convention with the chiefs of the insurgents, providing for the security of commerce within the regions which were occupied or might afterwards be conquered by them.

Accordingly, foreign vessels traded freely upon the banks of the river, and steamers have brought large quantities of native produce from various points direct to Shanghai, to the great advantage of both foreign and native commerce, inasmuch as the products of several districts cannot be carried to either Han-kow, Kiu-kiang, or Chin-kiang, without great expense and delay.

These things being once clearly understood, your distant readers, Mr. Editor, will be able to comprehend the recent surprise and disappointment of the community of Shanghai upon the publication of regulations which declared that only three points on the river could be visited by foreign vessels, and that the loading or unloading of cargo at any other point would be punished by the *confiscation* of *vessel* and *cargo*.

We see that these regulations destroy the brilliant prospects which were opened to foreign commerce, by making free the entire trade of the river; we see that native commerce must suffer even more than our own; and we see that the imperial revenue must be injured *pari passu* with commerce. We see that all this could have been easily made manifest, even to Chinese ignorance of political economy; and that a further unanswerable argument could have been found in the fact, that by Admiral Hope's convention with the insurgents a large extent of country not in the possession of the Chinese imperial government was actually open to foreign ships. How could this government, after availing itself of foreign aid against the insurgents, undertake to expel foreign trade from the territory conquered *from* the insurgents? With what face could they do this, even if the liberty "*to traffic at every opening on the river*" had not been previously given by themselves, and even if the free trade about to be destroyed could have been prejudicial to Chinese interests? And can it be supposed for a moment that they would have insisted upon this fatal measure had pains been taken to show them that the regulations proposed were not only contrary to the treaty and unjust to foreigners, but also exceedingly injurious to their own revenue and their own people?

I cannot close, Mr. Editor, without calling attention to another very important reason for the dissatisfaction caused by these "revised regulations," which is, that by them (even if they general be considered as only temporary) is lost the best of all possible opportunities for the introduction of steam upon the Yangtsze-kiang. Had this great blessing been brought in during a period of profound tranquillity, while the great river was covered with native junks carrying on in security the commerce of this inner Chinese world, the improvement, great as it would have been, must have proved very far from an unmixed blessing. The native junk trade must have suffered for the general good of commerce, and the immediate evils arising from so great a change might have been too formidable to be suddenly met; but at this moment the insurrection has either altogether annihilated this native trade, or rendered the small remnant of it too expensive and dangerous to be worth preserving. *Now*, then, Mr. Editor, is the time of all times for introducing steam generally upon the river.

It may be said that steam will still be applied to all portions of the river, notwithstanding the regulations, inasmuch as nothing is easier than for the Chinese to buy steamers and navigate them under their own flag. But if this course should be pursued, what will become of the imperial revenue and of the foreign custom house, and how much business would be done at the three ports?

Without entering into further particulars, Mr. Editor, your distant readers will now, I think, perceive that there were many cogent reasons for not adopting regulations at all similar to those recently promulgated; and they will, perhaps, be astonished when I add this unwise measure has been taken in the face of strong protests from persons familiar with business, and to effect no good purpose that the public can divine, which might not have been more

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surely effected by regulations which would have been beneficial and not injurious to commerce.

I remain your obedient servant,

COMMERCE.

SHANGHAI, *December* 11, 1862.

CONSULATE OF THE UNITED STATES,
Shanghai, China, November 25, 1862.

The undersigned is directed by Anson Burlingame, envoy extraordinary and minister plenipotentiary of the United States to China, to give notice that the following revised regulations opening custom-houses at Han-kow and Kiu-Kiang, and under which trade is to be carried on, have been communicated to him by the Chinese government, and that they will come into operation on the first of January next, at which time they will supersede the provisional regulations of the 5th December, 1861.

By order: GEO. FRED'K SEWARD, *Consul.*

REVISED REGULATIONS OF TRADE ON THE YANGTSZE-KIANG.

Article I. United States vessels are authorized to trade on the Yangtsze-kiang at three ports only, viz: Chin-kiang, Kiu-kiang, and Han-kow. Shipment or discharge of cargo at any other port on the river is prohibited, and violation of the prohibition renders ship and cargo liable to confiscation.

Native produce when exported from any of these three ports, or foreign imports not covered by exemption certificate, or native produce that has not paid coast trade duty, shall, when imported into any of these three ports, pay duty as at the treaty ports.

Article II. United States merchant vessels trading on the river are to be divided into two classes, namely:

First class: *Sea-going vessels*, that is, merchantmen trading for the voyage up the river above Chin-kiang, lorchas, and sailing vessels generally.

Second class: *Steamers* running regularly between Shanghai and the river ports.

These two classes of vessels will be dealt with according to treaty, or the rules affecting the river ports to which they may be trading.

All vessels, to whichever of the two classes they may belong, if about to proceed up the river, must first report to the customs the arms or other munitions of war they may have on board, and the numbers and quantities of these will be entered by the customs on the vessel's river pass. Permission to trade on the river will be withdrawn from any vessel detected carrying arms or munitions of war in excess of those reported to the customs, and any vessel detected trading in arms or munitions of war will be liable to confiscation.

Any vessel falling in with a revenue cruiser of the Chinese government will, if examination of them be required, produce her papers for inspection.

Article III. *Sea-going vessels*, United States merchantmen, lorchas, and sailing vessels generally, if trading at Chin-kiang, will pay their duties and tonnage dues at Chin-kiang.

If a vessel of this class is proceeding further than Chin-kiang, that is, either to Kiu-kiang or to Han-kow, her master must deposit her papers with the consul at Chin-kiang, and must hand in her manifest to be examined by the Chin-kiang customs; the superintendent of which, on receipt of an official application from the consul, will issue a certificate, to be called the Chin-kiang pass, to the vessel. The Chin-kiang pass will have entered upon it the number and quantities of arms, muskets, guns, swords, powder, &c., on board the vessel; also the number of her crew, her tonnage, and the flag she sails under.

The customs will be at liberty to seal her hatches and to put a customs employé on board her. On her arrival at Kiu-kiang, whether going up or coming down, her master must present her pass to the customs for inspection.

The duties on cargo landed or shipped at Kiu-kiang or Han-kow must all be paid in the manner prescribed by the regulations of whichever of the two ports she may be trading at, and on her return to Chin-kiang she must surrender her Chin-kiang pass to the customs at Chin-kiang, and the customs having ascertained that her duties and dues have been all paid, and that every other condition is satisfied, the grand chop will be issued to the vessel, to enable her to obtain her papers and proceed to sea.

The customs will be at liberty to put an employé on board the vessel, to accompany her as far as Lang-shan.

Any United States vessel of this class found above Chin-kiang without a Chin-kiang pass will be confiscated. Any junk without Chinese papers will similarly be confiscated.

Article IV. *River steamers.*—Any United States steamer trading regularly on the river will deposit her papers at the United States consulate at Shanghai, and the customs, on application of the United States consul, will issue a special river pass, (or steamer's pass,) that shall be valid for the term of six months. Steamers trading on the river under this pass will

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be enabled to load and discharge, and will pay duties according to the rule affecting river steamers.

On arriving off Chin-kiang or Kiu-kiang the steamer, whether proceeding up the river or down, will exhibit her pass to the customs.

The tonnage dues leviable on any steamer holding a river pass shall be paid alternately at Chin-kiang, Kiu-kiang, and Han-kow.

The customs are at liberty to put a tide-waiter on board a steamer at any of these ports, to accompany her up or down the stream, as the case may be.

Infringement of river port regulations will be punished by the infliction of penalties in force at the ports open by treaty; for a second offence, the steamer's river pass will also be cancelled, and she will be refused permission to trade thenceforward above Chin-kiang.

Any steamer not provided with a river pass, if her master propose proceeding above Chin-kiang, will come under the rules affecting sea-going vessels laid down in Article III, and will be treated accordingly.

Article V. *River steamers' cargoes:*

1st. Where native produce is shipped at a river port on board a steamer provided with a river pass, the shipper must pay both export and coast trade duty before he ships it. If it be for export to a foreign port, this should be stated when the produce arrives at Shanghai; and if it be exported from Shanghai within the three months allowed, the shipper will obtain from the Shanghai customs a certificate of its re-exportation; on production of which at the river port of shipment, whether Chin-kiang, Kiu-kiang, or Han-kow, the customs of that port will issue a drawback for the amount of coast trade duty paid.

2d. Where import cargo is transhipped on board a river steamer at Shanghai, it must first be cleared of all duties. The transhipment will not be authorized until the customs are satisfied that the import duties have been paid.

Article VI. *Native craft owned or chartered by United States merchants* will pay duty on their cargo at the rates leviable on such cargo under the treaty tariff. All such craft will further have to be secured by bond, in the manner laid down in the provisional rules published on the 5th December, 1861, and on entry into any port will pay port duties according to Chinese tariff. If the cargoes of native craft so employed do not agree with their cargo certificate, the amount specified in their bonds will be forfeited to the Chinese government. This provision is only valid until tranquillity is restored along the river.

Article VII. United States vessels of all classes, as well as junks owned or chartered by United States merchants, must apply to the customs at the port of departure for a cargo certificate, (*tsung-tau,*) which, on the vessel's or junk's arrival at the port of destination, must be handed in to the customs before permission to discharge can be given.

The above regulations are provisional, and open to revision if necessary.

Mr. Seward to Mr. G. F. Seward.

No. 45.] DEPARTMENT OF STATE,
Washington, September 21, 1863.

SIR: Your despatch No. 536, recommending the appointment of a consul at Chin-kiang, at a salary of $3,500, has been received.

It is not in the power of the department to make such an appointment, in the absence of an appropriation; but the subject will be brought to the attention of the appropriate committee at the beginning of the next session of Congress.

In the meanwhile the department will be glad to receive from you such further information as may come to you showing the expendiency of establishing a salaried consulate at that place.

The provisional regulations of trade upon the Yangtsze-kiang, which you have transmitted under the direction of the minister of the United States in China, have been read with attention.

It has been represented to the department that these regulations may have an unfavorable bearing upon American trade and commerce on this great river, inasmuch as they appear to surrender some advantages which we have heretofore enjoyed.

It is said that, after the negotiation of the treaty with China by Lord Elgin, the whole river was thrown open to trade under the auspices of British officers, who, of course, best understood the real meaning of the provisions of the treaty

which had just been made. The tenth article of that treaty, according to the English version, declares that "British merchant ships shall have authority to trade upon the great river."* By the Chinese text, "British merchant vessels are all allowed to carry on commerce at each port (or mouth) in the neighborhood of the long river." In a subsequent part of the same article specific provision is made for *portsof entry and discharge*, not exceeding three in number. The number of these ports is definite, but those for river trade indefinite and numerous, viz: "Every mouth in the neighborhood of the Long river." Hence, as you will perceive by reference to the correspondence upon the subject, Lord Elgin spoke of his arrangements for opening the river in 1861 as being convenient "for the whole coast trade of the river."—(See Earl of Elgin's correspondence, 1857–1859.)

The obvious meaning of the article, as understood by those who negotiated the treaty, and also by Commodore Stribling, our late acting commissioner in China, is, that there are only *three* ports of direct entry and discharge to which vessels from foreign countries may come and depart; but that the whole river, at every port or mouth in its vicinity, is open to trade and for the transportation of goods to various points on the river between the three ports of entry and discharge. If this view of the subject is the correct one, it may be well, in revising the regulations, to see that no privileges which have once been granted be curtailed or diminished. Especially is this important when it is considered that the products of an industrious population, far exceeding that of all Great Britain, can best be transported on this river, from a very large number of central points to the three ports of entry and discharge, from any one of which foreign goods, having entered and paid duty, can thence be transhipped to the principal places on the river. Upon the introduction of steam power, the trade must increase immensely to the advantage of all concerned therein, while the imperial revenues will be greatly augmented.

In the revision of these regulations, or in the adoption of others for the conduct of trade, care should be taken not to encumber our trade, on the one hand, with unnecessary and vexatious restrictions; and, on the other, to prevent detriment to the imperial revenue.

You will please communicate a copy of this despatch to the United States minister in China, and furnish the department with any other information upon this subject of which you may be in possession.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

G. F. SEWARD, Esq.,
U. S. Consul General, Shanghai.

DEPARTMENT OF STATE,
Washington, January 3, 1863.

To the Diplomatic and Consular Officers of the United States:

You will receive herewith a copy of a proclamation which was issued by the President on the 1st day of January instant, in which he designates the States and parts of States which yet remain in insurrection against the United States, and gives effect to the proclamation which he issued on the 22d day of September last, and in which it was announced that the slaves within such States and districts would, as a measure of military necessity, on the said 1st day of January, be declared forever free. Through this great act slavery will practi-

* Report of the Secretary of State on commercial relations, page 355, and Senate Ex. Doc. No. 30, 36th Congress, 1st session, page 377 *et seq.*

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cally be brought to an end in eight of the States of this Union, and in the greater portions of two other States. The number of slaves thus restored to freedom is about three and one-half millions.

The President entertains no doubt that this transaction will commend itself to the enlightened judgment and moral approbation of not only all Christian states, but of mankind.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

By the President of the United States of America.

A PROCLAMATION.

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such States shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such States, and the people thereof, are not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as commander-in-chief of the army and navy of the United States, in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the parishes of St. Bernard, Plaquemines, Jefferson, St John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans,) Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, (including the cities of Norfolk and Portsmouth,) and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and

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parts of States are and henceforward shall be free; and that the executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons, of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this first day of January, in the [L. S.] year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States of America the eighty seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

DEPARTMENT OF STATE,
Washington, February 8, 1863.

To the Diplomatic and Consular Officers of the United States:

Your attention is directed to the provisions of an act of Congress approved May 20, 1862, of which a copy is herewith enclosed, entitled "An act to secure homesteads to actual settlers on the public domain." "The privileges of this law," as you will perceive, "are extended to every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or has declared his intention of becoming such, and who has done no disloyal act, direct or indirect.

"An exception, however, to the foregoing requirement as to *age*, is made in the sixth section of the act in favor of any person who has served not less than fourteen days in the army or navy of the United States, either regular or volunteer, during actual war, domestic or foreign. Any person coming within the foregoing requirements, from and after January 1, 1863, has the right to enter one quarter section, or a less quantity, of unappropriated public land upon which said person may have filed a pre-emption claim, or which at the time of application is subject to pre-emption, at $1 25 per acre, or eighty acres, or less, of such unappropriated land, at $2 50 per acre."

The department has been assured by the Secretary of the Interior that the necessary steps have been taken to carry into effect the beneficent provisions of this act, by which "homesteads are secured to actual settlers on the public domain," and every facility contemplated by law is now afforded to those who may desire to avail themselves of its provisions. The Secretary of the Interior further states, that on the 30th of September, 1861, there were surveyed and ready for sale 134,218,330 acres; from that date until September 30, 1862, there have been surveyed 3,135,067 acres; making an aggregate of 137,353,397 acres now surveyed and ready for sale or occupation by settlers under the provisions of law.

It is stated by the Commissioner of the Land Office that, notwithstanding the political difficulties of the country, growing out of the hostile attitude

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assumed towards the general government by certain States in revolt against the federal authority, and the necessary withdrawal for military service of a large number of our citizens from agricultural employment, there were added to the wealth of the republic during the year ending September 30, 1861, by public sales, of fresh lands, forty thousand new farms of eighty acres each.

Although the homestead law only went into operation on the 1st of January, 1863, information from reliable sources has reached the department that numerous applications have already been made at the United States district land offices to secure farms under that enactment, indicating the setting in of a full tide of immigration over the fertile plains stretching from the Mississippi towards the Pacific ocean.

The homestead law, and the accompanying official instructions, show the facility with which settlers under it can, on easy terms, perfect their titles, even before the expiration of the period fixed by the statute for continuous residence. Under the pre-emption laws of the United States strong inducements are likewise held out to settlers, not only upon lands surveyed, but *unsurveyed*, west of the Mississippi ; and where settlements are made upon *unsurveyed* territory, the security for ultimate title, after the land shall have been surveyed, is complete under the law. Many interesting details, in connexion with the United States land system, are exhibited in the annual reports for 1860, 1861, and 1862, of the Commissioner of the Land Office, to whom you are referred for more full information upon the subject.

It is stated, also, by the Secretary of the Interior, that "the great auriferous region of the United States, on the western portion of the continent, extends from 31 degrees 30 minutes north latitude to the 49th degree, and from 10[illegible] degrees of longitude to the Pacific ocean, embracing portions of Dakota, Nebraska, Colorado, New Mexico, Arizona, Utah, Nevada, California, Oregon, and Washington, and covering an area of more than a million square miles.

"This vast region is traversed by extensive ranges of mountains, which are literally stocked with minerals, gold and silver being interspersed in profusion and daily brought to light by new discoveries. The precious metals are found imbedded in mountains and in rich washings, marking the pathways of rivers and floods. The silver mines of Nevada and New Mexico promise a production greater than that of any other portion of the world. The discoveries of gold in the Colorado or southern portion of California, and in the region stretching thence up to and north of the Salmon river, in the Territory of Washington, are stimulating the mining enterprise of that region beyond all former precedent.

"Before the discovery of the gold of California, the annual production of gold in all parts of the world did not exceed an average of eighteen millions. The present annual production in California is estimated to average seventy millions. The Commissioner of the General Land Office, after extensive inquiry from all available sources of information, estimates the production of gold the present year, from the whole region of country before described, at one hundred millions." It is believed that in no country in the civilized world are such opportunities afforded as in the United States to active, industrious, and intelligent men, for the acquisition of abundant means of support, and comfortable homesteads for themselves and their families.

These facts you are instructed to make known, in such manner as may be considered most expedient and proper, within the district of your residence.

WILLIAM H. SEWARD.

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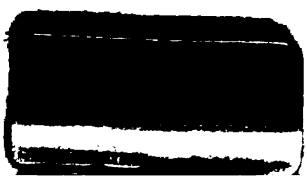

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